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A NEW ARAB ALLIANCE SYSTEM: CAUSES
OF THE IRAQ-IRAN WAR AND THE
REACTION OF VARIOUS ARAB STATES

Robert Bernard O'Donnell

NAVAL POSTGRADUATE SCHOOL

Monterey, California



THESIS

A NEW ARAB ALLIANCE SYSTEM:
CAUSES OF THE IRAQ-IRAN WAR AND
THE REACTION OF VARIOUS ARAB STATES

by

Robert Bernard O'Donnell

June 1981

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The thesis concludes with a look at the interworking of the various factors and stimuli to determine if a new Arab alliance will result from the war, and to state who will be the real winner of the war.

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A New Arab Alliance System:
Causes of the Iraq-Iran War and
the Reaction of Various Arab States

by

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Submitted in partial fulfillment of the
requirements for the degree of

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from the

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June 1981

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This thesis examines the current conflict between Iraq and Iran and looks at the causes, both stated and unstated offering an opinion as to the real causes of the war.

Secondly the thesis examines the Arab Nation and the reaction of several of the states of that nation to the war in an attempt to lay out why certain states support Arab Iraq or Persian Iran. Also included is a look at the impact of the war on the options available to the U.S. and U.S.S.R.

The thesis concludes with a look at the interworking of the various factors and stimuli to determine if a new Arab alliance will result from the war, and to state who will be the real winner of the war.

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I. INTRODUCTION

This thesis is written in two parts. First it examines the causes of the current war between Iraq and Iran, differentiating between stated causes, the Shatt-al-Arab, and the Gulf Islands, and the unstated causes, the Islamic split between Sunnism and Shiism, the personal feud between Saddam Hussein and the Ayatollah Khomeini, the goal of Iraq to lead the Arab Nation, and the goal of Iran to lead the Islamic World. It then offers an opinion as to which causes are the real causes of the war and offers an explanation as to why one set is more important than another.

Secondly the thesis examines the reaction of certain Arab states to the war by way of looking at the historical factors which might bear on the question of unity or disunity, religion, ethnic factors, Ottoman domination, British treachery, the League of Arab States, Nasser, and Arab/Muslim identity problems. The reaction of five Arab states (Saudi Arabia, Syria, Jordan, Kuwait and Libya) to the war are then examined in the light of the causes of the war and inter-Arab rivalry.

Finally the thesis seeks to tie the various reactions of the Arab states together in an encapsulated form for showing the interworkings of the various factors and stimuli, to determine whether or not there is a new Arab Alliance because of the war; and to state without equivocation who the real winner of the war is.

II. STATED CAUSES

A. SHATT-AL-ARAB

1. Geography

The Shatt-al-Arab is formed by the juncture of the Euphrates and Tigris Rivers, extending from Qurna at the junction of the rivers to Fao on the Arabian Gulf (or Persian Gulf). The Shatt-al-Arab is navigable, however, only in its lower reach, from Basrah to Fao. The total length of the Shatt-al-Arab is approximately 120 miles, with an average width of 600 yards, although at some points it widens to a mile. The Iraqi-Iranian border extends some 85 miles along the river. The river is Iraq's only access to the sea for large commercial vessels (i.e., oil tankers) and handles a considerable amount of shipping and trade.¹

2. History of the Border Dispute

The issue of the Iraqi-Iranian border dispute goes back into history a century or more. What is present-day Iraq became part of the Ottoman Empire during the reign of Sultan Salim I (1512-20), and from that time the boundary question has been a recurrent issue between the Ottoman Sultans and the Persian Shahs. Iraq inherited the border dispute from the Ottoman Empire.

Before 1847, the Shatt-al-Arab was an inland river running through Ottoman territory and the land on both banks of the river was under Ottoman sovereignty. Sir Henry Layard,

a member of the Joint Mediation Commission,² so stated in his book which was offered by the governments of the United Kingdom and Tsarist Russia to the Ottoman and Persian Empires in preliminary negotiations to the 1847 Treaty of Erzerum.

The Treaty of Ezerum of 31 May 1847, which consisted of nine articles, was the basis for settlement of the border dispute between the Persian and Ottoman Empires. In an effort to end the dispute, the weakening Ottoman Empire formally ceded to the Persian Empire the city and port of Khoramshar the island of Abadan, the anchorage and land on the eastern (left) bank of the Shatt-al-Arab. Freedom of navigation for Persian vessels on the Shatt-al-Arab was granted. Negotiations for settling all boundary issues were conducted under the mediation of two Great Powers, Britain and Russia.³ Sir Henry Layard wrote:

the principal matters in dispute were certain parts of the frontier between the two states. Persia claimed the left bank of the Shatt-al-Arab or united waters of the Tigris and Euphrates, from about sixty miles of their junction with the Persian Gulf. ...the result of my examination of the evidence and maps furnished me was that the claims of Turkey to the left bank of the Shatt-al-Arab and to Khoramshar were well founded. Persia had never exercised more than a nominal jurisdiction over the territory in dispute...⁴

The demarcation of boundaries resulting from the treaty which was to have taken place immediately was delayed three times by wars in Europe.⁵ The Protocol of Tehran was signed by Persia and the Ottoman Empire on 21 December 1911. The Protocol concluded with the aim of avoiding any controversy

in respect to the Ottoman Persian frontier. This Protocol provided the base for negotiations and the procedure for the delimitation of the frontier. It also provided for the establishment of a commission to meet in Constantinople, entrusted with the task of delimiting the border. The work of the commission was based on the clauses of the Treaty of Erzerum. The Protocol also provided that in the case of divergent views on any issue the questions should be submitted to the Court of Arbitration at the Hague.⁶

The Joint Commission met in Tehran in 1912 but made no substantial progress.

On 4 November 1913, the Constantinople Protocol concluded among the Ottoman Empire, Persia, Great Britain and Russia, with the latter two governments again acting as mediators. This Protocol provided for the establishment of a Delimitation Commission consisting of representatives of the four governments. This Commission finished its work in 1914, and delimited the border so that the sovereignty of the Ottoman Empire extended over all the Shatt-al-Arab with the border fixed on the eastern bank of the river. Iran was given the port of Khonamshahr and some islands in the river.⁷

After the defeat of the Ottoman Empire in World War I, and the emergence of Iraq, Iran's attitude toward the 1914 Protocol shifted. Iraq, as a successor state to the Ottoman Empire, inherited the international frontier fixed in accordance with the Delimitation Commission of 1914. Iran, however,

as seen through Iraqi eyes, disregarded and violated the internationally recognized border, justifying its attitude on the grounds that it did not recognize the validity of agreements and protocols previously concluded between Persia and the now literally defunct Ottoman Empire. The perceived persistent violations of Iraqi borders reached a breaking point in 1934, when Iraq submitted a formal complaint to the League of Nations.⁸

The League was requested by Iraq to take up the issue of the Iraqi-Iranian border in view of Iran's allegedly numerous boundary violations. These violations were grouped under three categories: illegal interference with Shatt-al-Arab navigation; territorial expansion; and the diversion of the Gunjan Cham waters.

According to Iraq, the violations relating to the Shatt-al-Arab consisted of Iranian gunboat interference with normal shipping activities; disregard of the rules and bylaws of the port of Basrah; blocking the one-way dredged Rooka Channel; and rash seamanship. These violations, again according to the Iraqis, threatened to block the river and bring the whole of Iraq's seaborne trade to a standstill.⁹

Iraq relied heavily on the Treaty of Erzerum and the 1913 Constantinople Protocol when presenting its case to the League. Iran, on the other hand, argued that neither the Erzerum Treaty, nor the 1913 Protocol, held any binding force, since both were concluded with the now non-existent Ottoman Empire.¹⁰

The League was unable to solve the dispute and recommended that both parties enter into bilateral discussions to negotiate an equitable solution. Direct negotiations were held by Iraq and Iran from 1935 to 1937. The main Iranian position was set down by the Shah when he stated, "he wanted nothing from Iraq more than the deepest line of the river in front of Abadan."¹¹ Iraq finally agreed to this demand and a boundary was finally concluded on 4 July 1937. Under this treaty and attached protocols, Iran, aside from extending her sovereignty over the part of the Shatt-al-Arab in front of Abadan, consolidated several gains.

First, Iran gained treaty possession of the city and port of Khorramshahr, Abadan, the anchorage and land on the east bank of the river, all of which were, prior to 1847, part of the Ottoman Empire and Iraq. Secondly, Iran, in the Treaty of 1937, pushed the boundary line from the low water mark to the "Thalweg" (middle) of the river for a distance of five miles opposite Abadan. This was the gain referred to by Shah Reza Pahlevi in his main statement regarding Iran's negotiating position on the 1937 Treaty.¹²

From 1937 until 1969 the Treaty stood in effect as the delineating document concerning the border and the Shatt-al-Arab. Problems surrounding the border, however, did not disappear. Iraq claimed that the 1937 Treaty was signed only under severe pressure from Britain which ultimately forced Iraq to accede to the Shah's demands. Iraq further

claimed that Iran repeatedly violated the border (the claimed violations were similar to those prior to 1934). Iran, on the other hand, claimed that it also succumbed to British pressure in 1937 and that the Treaty was forced upon it and was a colonial relic. Furthermore, Iran claimed that Iraq failed to live up to its obligations under the 1937 Treaty, vis-a-vis navigational maintenance, collection of dues, and dredging and that the Shatt-al-Arab was a boundary river not an island river as Iraq claimed.¹³

The Treaty of 1937 must also be looked at in the light of Riza Shah's regional goals at the time. The Saadabad Pact between Turkey, Iraq, Iran and Afghanistan was signed on 8 July 1937, four days after the signing of the Shatt-al-Arab Treaty of 1937. It would seem that Iran may have been most interested in affecting the Saadabad Non-Agression Pact and sublimated its interests in the Shatt-al-Arab (which was a stumbling block to the Saadabad Pact) for the greater good of a regional effort to establish friendly relations with the new neighboring states of the area.

On July 17, 1968, the Ba'ath party of Iraq, again in conjunction with the military, executed its second coup in little more than five years.¹⁴ Since the downfall of the Iraqi monarchy in July, 1958 and the proclamation of a Republic by Abd al-Karim Kassem, the relationship between monarchical Iran and republican Iraq was significantly damaged. This was due to the fact that Kassem, under severe Arab pressure, departed from the "Baghdad Pact" between Iraq, Turkey,

Iran, Pakistan and Great Britain. Kassem departed from the pro-Western orientation of the "Baghdad Pact" states and adopted an apparent pro-Soviet policy and sharply criticized the Western policy toward the Middle East. This trend toward Soviet orientation was increasingly perceived by the Shah as a threat to Iran. Kassem, only a short time after he came to power, proclaimed his territorial desires to Kuwait, which, he claimed, was part of Iraq and he supported various nationalistic elements in Arabistan (Khuzistan), the southern, oil rich, part of Iran.¹⁵

Kassem's successors continued to support the elements in Arabistan and in 1965, border conflicts erupted between the two states, while quite frequently the Iraqis interrupted the shipping of Iranian tankers through the Shatt-al-Arab. The Iraqis, contrary to the Treaty of 1937, claimed that the whole river of the Shatt-al-Arab was located within Iraqi territory, was an Iraqi inland river and that Iranian navigation of it was an illegal act. The Shah's regime, whose position it was that the Shatt-al-Arab was a boundary river, demanded that the border be in the center of the Shatt-al-Arab.

The Ba'ath Regime of Hassan al-Bakr was beset by internal problems and preoccupied with consolidating its position of power. Mohammed Reza Pahlavi took advantage of the weakness of Iraq and in 1969 abrogated the 1937 Treaty and presented Iraq with a *fait accompli* in the area. Iranian gunboats supported by Iranian aircraft accompanied Iranian ships which crossed through the Shatt-al-Arab without the

Iraqi flag flying. Iraq did not and could not (because of Iran's overwhelming military superiority) militarily contest Iran's actions.

3. The Kurdish Card

In addition to its predominant military position vis-a-vis Iraq, Iran also had another "card" to play in this border dispute. Iraq, Iran and Turkey all have a sizable minority of Kurdish peoples within their borders. This tribal group of peoples is culturally and ethnically homogenous and has for many centuries sought to establish an autonomous Kurdish state. The Kurds of today vary from highly nomadic tribal groups to settled town life. The Kurds are organized in a tight system of kinship, binding together large units of several hundred households, which band together to form tribes. Despite the close kinship alliances there is no consistent hierarchy among kin, and power rivalries often lead to violence. The second most important element of homogeneity is the Kurdish language itself.

The Kurdish tribes are aggressive and warlike. Formerly frequent raiders of caravans and villages, today's Kurds have transferred their enmity to a sometimes fierce struggle for freedom from their Arab, Persian, and Turkish overlords.

In Iraq the Kurds represent by far the largest non-Arab ethnic minority accounting for approximately 18 percent of the population, some two million souls. Predominantly Sunni, they inhabit the highlands and mountain valleys of

northern and northeastern Iraq (i.e., the oil producing region). Since the early 1960's the urban Kurdish areas have grown rapidly. Kurdish migration was prompted by the escalating armed conflict with central authorities in Baghdad, the destruction of villages by bombing, and such natural disasters as the severe draught in the 1958-61 period.

In Iran reside approximately 3.5 million Kurds. They are one of the largest ethnic groups in the country, numbering about one-tenth of the population. The Kurds are related to the Persians by their language and ethnic origins. The Kurds differ from the Persians in their social organization and their form of Islam. The Kurds in Iran also follow the Sunni branch of Islam. However, a number of Kurdish tribal leaders profess Shī'a Islam, which is more useful to them politically. Many Kurds have migrated to towns and cities to increase their opportunities for employment and education.

Attempts at Kurdish autonomy occurred twice in the 1900's. In 1919 a Kurdish chief, Ismail Aga, led an unsuccessful rebellion. During World War II the short-lived Kurdish Republic of Mahabad came into existence. In late 1946 the movement was quelled by the Iranian army, and twenty of the leaders were hanged in Mahabad.

Fierce and unrelenting fighters, the Kurds have and are still being used by sovereign nations to create disturbances in each other's countries. It is this "Kurdish card" that the Shah played in his border dispute with Iraq. The Kurds, led by Mustafa Barazani, began their rebellion in

September 1961 and demanded autonomous rule in the northern part of Iraq. Iranian support for the Kurds enabled them to go on fighting for a long period of time, causing the Iraqis heavy casualties (est. 60,000). Additionally, Iraq was compelled to divert much of its economic and military resources to fighting the Kurds allowing the Shah free hand in consolidating his claims on the Shatt-al-Arab. Due to its internal weakness, the Ba'ath regime in Iraq could not both fight the Kurdish secessionists and contest the Shatt-al-Arab simultaneously. After a period of some four years the Ba'athist regime was powerful enough to begin to quell the Kurdish rebellion. Iran, at this stage, could not sustain the Kurds merely by financial and military support and realized that it would have to send some of its own units to fight alongside the Kurds against Iraqi forces. This was an escalatory step that could have easily led to a war between Iraq and Iran.¹⁶ An Iraqi-Iranian war would have meant, in addition to the heavy human and material losses of both sides, the shelling of each other's oil wells. In a speech at the conference of Arab popular organizations held in solidarity with Iraq in Baghdad in February 1975, Saddam Hussein hinted at this when he declared, "Oil is a very flammable material."¹⁷ Additionally, the war might have caused (1) the closing of the Gulf; (2) the involvement of other Arabs in the conflict; and (3) the possible involvement of Israel. Furthermore the Shah realized that the establishment of an autonomous Kurdish state in Iraq (a possible outcome

of continued Kurdish insurgency) would in the long run lead to greater problems with Iran's handling of its own sizable Kurdish minority.

The growing seriousness of the situation led to mediation efforts by King Hussein of Jordan, President Sadat of Egypt, and Algerian President Boumedienne. These efforts succeeded, and on 6 March 1975, Saddam Hussein and the Shah signed an agreement which benefitted both sides (Appendix A). For Iran, the agreement meant (1) Iraq's acceptance of the demands that the boundaries between the two countries in the Shatt-al-Arab along the Thalweg (middle) line; (2) an end to Iraqi aid to Iranian dissidents and Arab and Baluch secessionists. For Iraq the agreement meant (1) the withdrawal of Iran's backing of Kurdish forces and the cut-off of aid to them, thus ending the drain of Iraqi resources; (2) upholding the status quo concerning the land frontiers.¹⁸

4. The Abrogation of the 1975 Treaty

Both Iraq and Iran had agreed to a settlement of the border dispute in order to enhance their respective national and regional security positions and interests. But the lingering concern of Iraq over the Shatt-al-Arab again came to the fore with the fall of the Shah, the rise of the Islamic movement in Iran and the attendant emasculation of Iran's security forces.

With only some fifty miles of coastline on the Gulf, and almost all of it unusable for shipping, Iraq must depend on its main port Basrah which is nearly 100 miles up the

Shatt-al-Arab from the Gulf. Even in the best of times Basrah suffers from a three-month cargo bottleneck.¹⁹ Furthermore, the Iraqi naval base of Umm Qasr is situated on the border with Kuwait and is only accessible to the sea by means of a narrow passage. Umm Qasr does not offer a channel of sufficient depth for other than shallow-draft military type vessels. The entrance to the Shatt estuary itself is commanded by Iranian Naval posts and artillery around Abadan island. Viewed through Iraqi eyes, the Shatt-al-Arab is eminently vulnerable to hostile forces. Iraq is the only OPEC member whose oil exports cannot reach the outside world without either crossing foreign territory in the north (the pipeline to Syria, Lebanon, and Turkey) or without coming so close to Iranian territory in the south. In effect Iraq does not enjoy a strong position of security for its most important export, oil. Iraq therefore suffers from a strategic necessity to maintain good relations with its neighbors in order to ensure the continued flow of its oil to world markets.

In February 1979 Iraq through its strongman, Saddam Hussein, officially welcomed the Khomeini revolution and declared that Iraq had no interests in Iran and fully supported the Iranian people's choice of new leadership.²⁰ The Ayatollah Khomeini answered Saddam Hussein and expressed Iran's wish to establish cordial relations with all Arab states particularly those in the Gulf and Iraq.²¹ Public statements aside, Iraq was apprehensive with Khomeini's rise. While not unknown to Iraq (Khomeini had lived in exile in Iraq for some fourteen

years), Khomeini's revolution concerned Iraq Ba'athist non-sectarian leaders for several reasons.

Iraq feared growing unrest within the Shi'a community in Iraq resulting from a spillover of Islamic fervor from Iran (more than half of the Iraqi total population is Shi'a). Additionally, Iraq feared a resurgence of the Kurdish rebellion, since it was not sure the position Teheran's new leaders would take on this issue, and a strengthening of leftist powers in Iran, which would lead to a direct danger from pro-communist forces, who Saddam Hussein had been taking great pains to neutralize and eliminate in his own country. Furthermore a fragmented Iran might invite a superpower intervention and confrontation in the region.

Iraq, possibly sensing an advantage in its bilateral relations with Iran, began applying pressure even before the fall of the Shah, when in December 1978 it called for an amendment to the 1975 Algiers agreement on the Shatt-al-Arab and the restoration of the three Gulf islands (Abu Moussa, Big Tumb, and Little Tumb) to Arab control. These islands are secondary factors in the dispute between Iraq and Iran but an important propaganda tool for Iraq in marshalling allies on an Arab ideological plane. In light of that, some historical background of this facet of Iraqi-Iranian relations is called for.

B. ABU MOUSSA, GREAT AND LITTLE TUMB ISLANDS

1. History of the Dispute

The three islands are situated in the Gulf some 30 to 50 miles south-southeast of the Iranian port of Bandar-e Lengeh. The dispute is actually related to an old and complex one that pitted Iran against Great Britain, first of all, as protector of the emirates of the Trucial coast (today the United Arab Emirates) and against the emirates themselves after they constituted a federation amongst themselves and acceded to full independence in 1971. The United Arab Emirates became independent on 2 December 1971 and were admitted to the United Nations on 9 December 1971. A few days earlier on 30 November, the Iranian army had invaded and occupied the two Tumb islands, which were in the possession of the emir of Ras-el-Khaima, and took possession of the island of Abu Moussa, but in this case with the agreement of the emir of Sharja. These islands occupy a surface area of less than 10 square kilometers and are inhabited by less than 1,000 souls.

Until 1887 these islands undisputedly belonged to the sheik of Lengeh. While the sheik of Lengeh belonged to the same tribe as those of Ras-al-Khaimah (the Jowasimis), he was nevertheless a vassal of the Shah of Iran. It has however been claimed that the sheik of Lengeh administered these islands not as a subject of the Iranian government but rather as a member of the Jowasimis tribe. This position, defended by the British government from 1887 on, is nevertheless controverted by all the official maps of Her Majesty's government

and the reports by the India officer residents who had responsibilities in the region. In particular, a map prepared in 1887 by the Intelligence Department sent to Tehran by the British minister on 22 July 1888 on behalf of the Queen, for the information of the Shah showed the islands in Iranian colors. Already in 1836, the Queen's political resident had established in the Gulf a "restrictive line" which passed below the islands in question and which the warships of the sheiks of the Trucial coast were forbidden to cross.

That the sheiks of Lengeh were subject to the Iranian government and not to the sheiks of the Arab coast is attested to by the fact that when the British undertook, in 1819, a punitive operation against the sheiks of the Arab coast of what was then called the "Pirates' coast," the Persian government maintained its protection of the sheiks of Lengeh and in 1822 obtained from the British government payment for the damage done to their ships.²² Furthermore the sheik of Lengeh did not sign any of the treaties forming the basis of the relations of the sheiks of the Trucial coast among themselves or with Great Britain. The sheiks of Lengeh, appointed as governors by the Persian central government and paying tribute to it, were on several occasions chosen as arbiters in conflicts between those of Ras-al-Khaimah and those of Abu-Dhabi which would not have been possible if Lengeh was subject to Ras-al-Khaimah.²³

On the other hand, examination of the acts of private management on the islands reveals a more confused situation,

for private titles are evoked on both one side and the other. Nevertheless, they could not be of such a nature as to injure the territorial limits of a sovereign state.²⁴ Since they could not invoke historical titles in favor of the sovereignty of the sheiks of the Arab Coast, the British fell back on a pretense of prescription,²⁵ which was supposed to have begun in 1887. After this date, in effect, the British, who ensured the protection of the emirates, pushed them to carry out acts of sovereignty over the islands, such as planting a flag, or carried out projects themselves, such as the erection of a lighthouse in 1912.²⁶ For prescription to be invoked, it also has to be peaceful, uninterrupted and undisputed. But Iran has, ever since 1888, stopped protesting, on many occasions, against the British or Arab occupation of the islands in question. What is more, every time the Iranian government wished to exercise its sovereign rights over the islands, it was subjected by the British government to threats of use of force.²⁷ It follows from the preceding that the Iranian claims were not without foundation when they stated that the islands were part of Iranian territory until 1887 and that the taking of possession of them by the sheiks of the Trucial coast at the instigation and with the assistance of the British government, despite Iran's repeated protests, was not of such a nature as to enable the sheiks to win, by the medium of prescription, the title of sovereignty which they lacked.²⁸

The seriousness of the Iranian claim was undoubtedly not the only reason that led the British government, at the time of its withdrawal from the region, to come to an understanding with Iran. In the view of the West, the Shah's government was capable of taking up effectively the role of policeman of the region.²⁹ With Iran concomitantly renouncing its claims on Bahrain, the British gave their blessing to the agreement between Iran and the emir of Sharja, as well as to the occupation of the Tumb islands. For Iran, it was a matter of putting an end to the British colonialization and ensuring a return to the territorial integrity of the empire.³⁰

Iraq has used the seizure of these islands as a rallying point in order to muster the support of other Arab states on this "Arab" issue. Just as Iraq claims the left (eastern) bank of the Shatt-al-Arab and the province of Khuzistan (Arabistan) to be "Arab" issues, so too Iraq seeks to legitimize its whole policy toward Iran as an Arab issue.

Iraqi Foreign Minister Saadoun Hammadi has recently outlined the steps which his government took regarding the Shatt-al-Arab dispute by claiming that Iraq had warned Iran and demanded, in a formal memorandum, that Iran withdraw from the Arab territories it was illegally occupying. Iran, it is claimed, did not respond and this forced Iraq to take back its territory by force, proclaim total sovereignty over the Shatt-al-Arab and unilaterally annul the 1975 Algiers Agreement. Iraq claims that it then submitted an official

memorandum to Iran requesting an understanding on the basis of current realities (i.e., Iraqi control of the Shatt-al-Arab and the east bank), to settle all problems by peaceful means. Iran, again, apparently did not respond to that memorandum but according to Hammadi, closed the Shatt-al-Arab, closed its air space and began shelling the Iraqi borders. These last acts, according to Hammadi, were the cause of Iraq's military forces entering Iranian territory, in order to, in his words, "protect Iraqi territory and gain Iranian recognition of Iraq's right to Iraqi land and waters."³¹

FOOTNOTES TO CHAPTER II

¹Area handbooks for Iraw and Iran.

²Layard, Henry , Early Adventures in Persia, Susiana and Babylonia (London: John Murray, 1887), Vol. 11, pp. 321-433.

³Rauf, Adnan , "Shatt-al-Arab, Iraq and Iran," The Arab World, Vo-. XVI, March/April 1970, pp. 14-20.

⁴Layard, Henry, Op. Cit.

⁵Khadduri, Majid, Independent Iraq (Oxford University Press, 1951), p. 240.

⁶Rauf, Adnan, Op. Cit.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰League of Nations, Official Journal, February 1935, pp. 320-325.

¹¹Khadduri, Majid, Op. Cit., p. 245.

¹²Rauf, Adnan, Op. Cit.

¹³Ibid.

¹⁴Lenczowski, George, The Middle East in World Affairs (Cornell Univ. Press, fourth edition, 1980), p. 307.

¹⁵Middle East Information Media Ltd., Middle-East Intelligence Survey, Vol. 8, No. 12, 16-30 Sep 80, pp. 3-5.

¹⁶Ibid.

¹⁷American Foreign Policy Institute, The Impact of the Iranian Events Upon Persian Gulf and U.S. Security (Washington, D.C., 1979), pp. 39-64.

¹⁸Ibid.

¹⁹Wright, Claudia, "Implications of the Iraq-Iran War," Foreign Affairs, pp. 73-93.

²⁰Arab World Weekly, 17 Feb 1979, p. 24.

²¹Arab World Weekly, 3 March 1979, p. 27.

²²Adamiyat, Bahrain Islands, A Legal and Diplomatic Study of the British-Iranian Controversy, Praeger, New York, 1955, pp. 11-18.

²³Ibid.

²⁴Salom, Jean, "The Conflict on Sovereignty over Abu Moussa and the Big and Little Tumb Islands," Le Monde Diplomatique, Paris, November 1980, pp. 19-27.

²⁵Ibid.

²⁶Ibid.

²⁷Ibid.

²⁸Ibid.

²⁹Rouleau, Eric, "A Policy of Power," Le Monde, 2 December 1971, pp. 12-13.

³⁰Salom, Jean, Op. Cit.

³¹"Interview with Saadoun Hammadi," Beirut Morning English Newspaper, 20-26 Oct 80, pp. 44-49.

III. UNSTATED CAUSES

A. SUNNI-SHI'A CONFLICT

An underlying, unstated cause of the current conflict between Iraq and Iran has its roots deep in the history of that area of the world. The Islamic faith is by no means a homogenous one. Over the centuries, since the death of the prophet Mohammed, sects have appeared and disappeared among the Islamic faithful.

Today the overwhelming majority of Muslims subscribe to Islam of the "Sunnah" or Sunni Islam with its faithful adherence to the doctrine evolved during the Orthodox Caliphate.¹ Subscribers to this doctrine are known as orthodox or "Sunnis," and they constitute over eighty-five percent of all those who call themselves Muslims today. The Sunnis form one major sect but juridicially they may belong to one of the four recognized rites or madhahib: Māliki, Shāfi'i, Hanafi, or Hanbali.²

Differences in Islam are basically due to two historical factors. Political challenges to existing authority, with the disputing parties usually taking on the sanctity of religious protection and thus giving rise to a plethora of sects accounts for one factor. The other came from attempts to provide rational bases for the basic tenets of the faith, leading to the proliferation of philosophical schools of approach to theological beliefs. Both these factors had a

similar impact in that they distracted from the theological, political and consequently, the social unity of Islam.

The Shī'at 'Ali (the partisans of Ali) cling to Ali with adoring affection insisting that only he and his descendants had the legitimate right to assume the caliphate. (The Shiites believed that after the death of the Prophet the caliphate and religious authority should have passed directly to Ali by virtue of Ali's marriage to Mohammed's daughter Fatima and his station in relation to the Prophet.) Originally a group tolerant of other religions this changed about the year 850 when the Abbasid caliph al-Mutawakkil became particularly harsh with the Shī'a, destroying their venerated shrines: the tombs of Ali at Najaf and his more admired son Husayn at Karbala (both located in modern day Iraq).³

As opposed to the Sunnis who were loyal to the duly empowered caliph, the Shī'as professed loyalty only to the Imam, who was a direct descendent of Ali, on the basis that Ali had inherited from the prophet Mohammed both his spiritual and secular powers. Thus instead of the secular guide of the Sunnis, the caliph, whose religious authority was limited to setting a correct example, the Shī'as recognized an Imam who was regarded as an infallible teacher and the only source of religious instruction and guidance. On the mysterious disappearance of the twelfth Imam, the collective body of Shiite religions, the ulema, began to exercise the prerogatives of his office awaiting his return. The succession from Husayn (Ali's grandson) produced nine of the twelve Imam's

considered by the majority of Shī'as as the correct line of succession. The twelfth Imam disappeared a second time in 878 in the cave of the great Mosque at Sāmarra without leaving an heir.⁴

This hidden Imam, who is not dead but merely in a stage of occultation, is destined to reappear as the Mahdi.

The Shī'a teach that the faithful must believe in all the Imams, and especially in the Imam of their own time. This belief was exalted into an additional pillar of Islam.⁵ Among the Sunnis the caliph was the head of the community, responsible for the administration of justice through the Shari'a,⁶ and for the defense of the realm of Islam, and the caliph owed his office either to the choice of the community or to the nomination of his predecessor. Not so the Imam of the Shī'a. He is the divinely appointed ruler and teacher of the faithful who has succeeded to the prerogatives of the prophet himself. He possess superhuman qualities which descend to him from the first man, through Mohammed, a divine light which is given to chosen mortals from generation to generation. In popular beliefs which survive in some places today, the Imam's body casts no shadow and he cannot be physically harmed.⁷

The outstanding difference between Sunni and Shī'a doctrines of infallibility is not a quality inherent in the prophet by virtue of his being, but a special grace from God. His superhuman knowledge is given him from time to time by God whose message he repeats to men. His merit was to be

chosen by God to be his mouthpiece. On the other hand, with the Shī'as senselessness and infallibility is in the Imam. He possesses a secret knowledge inherited from his superhuman forebears by which he knows all that will happen in the world until the Resurrection Day. Therefore he cannot err. He is the sole and ultimate authority in the interpretation of the Qurān, the source of all truth, and the only being with the right to men's obedience. Therefore all doctrine must have his authority.

Hence article 5 in the Constitution of the Islamic Republic of Iran states:

During the Occultation of the Lord of the Age (may God hasten his renewed manifestation!), the governance and leadership of the nation devolve upon the just and pious faqīl who is acquainted with the circumstances of his age; courageous, resourceful, and possessed of administrative ability; and recognized and accepted as leader by the majority of the people...⁸

and goes on to add in article 107:

Whenever one of the fuqahā possessing the qualifications specified in article 5 of the Constitution is recognized and accepted as marja' and leader by a decisive majority of the people--as has been the case with the exalted marja'-i taqlīl and leader of the revolution, Ayatollah al-Uzma Imam Khomeini--he is to exercise governance and all responsibilities arising therefrom. If such should not be the case, experts elected by the people will review and consult among themselves concerning all persons qualified to act as marja' and leader. If they discern outstanding capacity for leadership in a certain marja' they will present him to the people as their leader; if not they will appoint either three or five mayas possessing the necessary qualifications for leadership and present them as members of the Leadership Council.⁹

Qualifications for membership on the leadership council are set down in article 109:

the following are the qualifications and attributes of the leader or members of the Leadership Council:

- a. Suitability with respect to learning and piety as required for the functions of mufti and majra'.
- b. Political and social perspicacity, courage, strength, and the necessary administrative abilities for leadership.¹⁰

Ayatollah Khomeini himself has said that, "the Islamic government is the government of the law and God alone is the ruler and the legislator."¹¹ And he goes on to delineate the qualifications of the ruler as, "1. Knowledge of Islamic Law, 2. Justice."¹²

So it is clearly evident that the Shī'a sect of Islam holds substantially different views as to the qualifications of the Islamic ruler, defining those qualifications in such a manner that only an Imam may satisfy them. On the other hand, the Sunni's differentiate between the religious and secular rulers. The caliph, ruler and leader to the Sunnis, must protect and maintain the faith and territory of Islam, must declare jihad when necessary, is charged with the appointment of state officials, is to collect taxes, administer public funds, and finally is responsible for the punishment of wrongdoing and maintenance of justice. The Sunnite leader must hold the faith and be careful never to oppose it but he is not a religious leader. Whereas in Shiism, the leader is both temporal and religious.

When this religious cleavage is imposed on Iraqi-Iranian relations the rift becomes more complex and clearer at the same time.

Iraq is an Arab state with a majority of Shī'a Muslims, Sunnis being a large minority. The ruling elite are predominantly Sunni. However Iraq is ruled by the Ba'ath Party.¹³ The political thought of the Ba'ath Party as a whole has centered on a combination of socialism and Arab nationalism. The slogan of unity, liberty, and socialism focused on Arab unity, liberation from Western imperialism, and Arab or Islamic socialism. The Iraqi Ba'athists endorsed these notions before attaining power, but the leadership of the Ba'athists has pursued an ultra-nationalist and exclusionist policy. The Shī'a Muslims and the Sunni Kurds, who together account for perhaps seventy percent of the population are blatantly underrepresented in the small ruling elite of the Ba'ath Party.¹⁴

Ba'ath political theory involves numerous contradictions. The contradictions are particularly sharp between certain basic tenets of Islam and what some Ba'athists refer to as "scientific rationalism." Islam, for example, specifically condones private property, but Ba'athism advocates the abolition of private property. Islam is an open and individualistic faith whereas Ba'athist practice is secretive and collective along the lines of the Communist cell structure.¹⁵

From the Iraqi perspective, Iran and its Islamic revolution are considered very dangerous: one, because of the

Shī'a majority in Iraq which are daily treated to pleadings and exhortations from Teheran radio to rise up and throw off the chains of the ruling infidels.¹⁶ Even the Islamic Constitution of Iran threatens Iraq (and other Arab states) when it states in article 154:

The Islamic Republic of Iran has as its ideal human happiness throughout human society, and considers the attainment of independence, freedom, and just government to be the right of all peoples of the world. While scrupulously refraining from all forms of aggressive intervention in the internal affairs of other nations, it therefore protects the just struggles of the oppressed in every corner of the globe.¹⁷

Secondly, an eventuality such as a Shī'a revolution in Iraq would dispossess the ruling Ba'ath Party and its Sunni elite.

Iran, on the other hand, regards Iraq as an infidel state and thereby a threat to the Islamic revolution. This has become a personal duel between Ayatollah Khomeini and Saddam Hussein, a subject to be discussed later. Iran sees Iraq as a godless state and a state which oppresses its Shī'a brethren. The Islamic Organization of Iran published a "black report card" for Iraq which listed some 42 violations against Moslems in Iraq. These ranged from accusations that Iraq had expelled some 70,000 Iranian Shiites residing in Iraq (and also confiscating their wealth and property), to turning over Iranian mujaheds to SAVAK, to issuing a death warrant for Ayatollah Khomeini.¹⁸

In fact in April, 1980 prior to the war Iraq expelled some 70,000 Iranians, a significant portion of which were Shiite Ulema. Saddam Hussein was apparently particularly

ruthless with the followers of Khomeini's ally, Ayatollah Mohammad Baqar Sadr and his Islamic Call Party, executing some seventy party members by firing squad.¹⁹

Historically Shī'as have viewed themselves as a body that has been deprived of its rights and oppressed. From the martyrdom of Husayn at the hands of the second Umayyad Caliph, Yazid in 680, to the destruction of their venerated shrines by al-Mutaqakkil in 850, to the government of Mohammed Reza Pahlavi, to the recent treatment at the hands of the "Great Satan," the United States, Shiism to Shī'as is an undergod, oppressed, struggling cause.

Because of its fear of the Islamic Revolution in Iran, particularly to the Shī'a majority, the leadership of Iraq has taken great pains to establish itself as a friend and protector of Islam. Saddam Hussein has sought the backing of the leading Ayatollah of the Shiite faith, Imam Khoui. This was done for two reasons: (1) in order to lend credence to Hussein's legitimacy as ruler, and (2) in order to suppress criticism that the ruling Sunnis were neglecting and violating the holy shrines of Ali and Husayn.

This internal rivalry between Sunni and Shī'a gave rise to two serious disturbances in Iraq during the 1970's. The first occurred in December 1974 when five Shī'a notables from Najaf were executed for having protested excessive Shiite casualties in the fighting in Kurdish areas of the north.²⁰

Far more serious were the disturbances in Najaf and Karbala on 5 and 6 February 1977. The occasion was the annual

religious procession between Najaf and Karbala to celebrate the fortieth day after the death of Imam Husayn. On this particular occasion verbal abuse against the Ba'athist leadership was freely sounded and for two days the riots increased until the situation got out of hand. It was only after the army intervened that the disturbances were suppressed and calm restored. Although explanations for the riot vary--a Syrian provocation, a mob attack on an Iraqi police post, an Iraqi army attack on a peaceful religious procession--it is clear that the disturbances were fanned by widespread dissatisfaction among the Shiites. A special tribunal was set up after the disturbances to try 110 detainees: eight were sentenced to death, fifteen to life imprisonment, and eighty-seven were acquitted. Unofficial accounts indicated that many more were killed and arrested during the riots.²¹

So it is not surprising that the government of Iraq would react in a negative manner to the exhortations of Teheran toward the Shi'a majority in Iraq.

B. PERSONAL FEUD

Another underlying causal factor in the Iraqi-Iranian conflict stems from the nature of the leaders of both countries. Both Saddam Hussein and the Ayatollah Khomeini dominate the internal and external political scene in their respective nations. Both are the major force in their country: Khomeini, as the constitutionally declared leader, and Hussein, as the president and head of the RCC.²² Both have surrounded

themselves with similarly inclined political personages and are swift to remove those who wander from expected political conduct, e.g., Khomeini's removal of Prime Minister Barzagan after the takeover of the American Embassy, and Hussein's removal and subsequent execution of Adnan Hussein, the number three man in the Ba'ath Party, after an alleged coup attempt was uncovered. Both maintain power, to a large extent, by force of their personality and are pragmatic in the application and maintenance of that power. Both see themselves as something more than just a national personality with appeal that transcends the boundaries of Iraq and Iran: Khomeini as a force and rallying point for all Muslims, particularly Shiites, and Hussein as a spokesman and leader for all Arabs, particularly the nebulous "Arab Nation."

It is here where their supranational ideologies and goals conflict, that these two leaders are engaged in a personal feud.

1. Saddam Hussein

President Saddam Hussein al-Takriti was born in Tikrit on 28 April 1937, into a less than well-off peasant family. In Tikrit intermarriage among peasant families established a special form of kin relationship. Family ties, among persons even remotely related, created a deep sense of solidarity and personal loyalty among the young men of the same area, which was often manifested in a readiness to cooperate and assist one another after they moved into big towns or cities.

It has been observed that a few young men from Tikrit who made their way to Baghdad seem to have worked very closely together and ended up with earning the label of the Tikuti clan.²⁴

From the time when he was still in Tikrit a number of significant events seem to have had an indelible impact on his future career. Khayr-Allah Talfah, a maternal uncle, who was then an officer in the Army participated in the ill-fated Rashid 'Ali al-Gailani uprising and took part in the military operations against Britain in 1941.²⁵ After the fall of Rashid 'Ali, Talfah was expelled from the military service. The impact of the Rashid 'Ali affair was one of the principal reasons that prompted Saddam Hussein to participate in nationalist activities which had, as their goal, the elimination of foreign influence not only from his country but from all Arab lands.²⁶

The second important event in Saddam Hussein's life was his decision to continue his studies in Baghdad. After he finished primary education in Tikrit and while he was in the second year of high school, he began to follow student activities in Baghdad and aspired to be in the midst of those events. He left Tikrit in 1955 and entered a secondary school in Baghdad. While still in school he became involved in the activity of the Ba'ath Party and participated in the abortive coup of 1956.²⁷ Saddam Hussein escaped arrest and the next year he, as did many other students, became a full-fledged member of the Ba'ath party.

The third important event was Saddam Hussein's participation in an attempt on Abd al-Karim Qasim's life in 1959.²⁸ Though he was wounded and sentenced to death in absentia, he fled his country via his native town in disguise, and took refuge in Syria. In 1960 he made his way to Cairo and there completed high school. Furthermore, he was drawn into nationalist activities during the next two years and became the leader of the Cairo unit of the Ba'ath party. He enrolled in the Cairo University Law College in 1962, but before he finished his first year he returned to Baghdad when the Ba'ath party seized power in February 1963. He was jailed in November 1964 after the fall of the Ba'ath party from power. His star began to rise when he and other Ba'ath party members supported General Admad Hasan al-Bakr, a fellow Tikriti, in his drive to control the Regional Command Leadership. He worked closely with Bakr after the Ba'ath party again seized power in 1968.²⁹

While in Egypt in exile, Saddam Hussein keenly observed the working of the Nasirite regime at first hand. Like many other young Ba'athist leaders, he was a great admirer of Nasser and learned how Nasser ruled and conducted foreign policy. Particularly interesting were Nasser's views on and attempts at establishing an Arab nation.³⁰

Saddam Hussein, long the strongman and force behind the throne in Iraq, succeeded to the presidency in August 1979, when President al-Bakr stepped down to retire to civilian life.³¹

Saddam Hussein now has the reins of power firmly in his two hands. Today in Baghdad his presence is total. A hotel lobby, a government office or a dusty rug seller's stall, there is no escaping the poster-size photographs of Hussein, with his medals looking tough, in his blue suit looking business-like, in a red kaffiya holding an arab boy on his lap, looking like his idol Nasser.³² Looking tough is the best description of the Saddam Hussein who today rules Iraq. He is tough, tough with his enemies in Iraq and with those outside of Iraq's borders. Hussein is a dictator who has surrounded himself with a small clique of relatives and supporters whose main redeeming trait seems to be their personal loyalty to the president. Hussein has draped himself in the philosophical trappings of Ba'athism and Pan-Arabism in an attempt to establish his legitimacy both at home among his Iraqi constituents and throughout the Arab world. Hussein has attempted to co-opt the Kurds by dangling the promise of an autonomous state in front of them. He has promised more Shī'a participation in the government and has sought and won the backing of the Imam of Naja, Ayatollah Khou'i in order to placate the internal Shī'a majority.³³ He doles out \$175 million every four months in aid to the Arab front line (Jordan, Syria, PLO, and Arabs in Israeli-held lands) in order to attempt to maintain his Pan-Arab credentials. But the pictures in Baghdad tell the story. Hussein is attempting to effect his legitimacy with the citizens of Iraq by establishing a personality cult. It is this

attempt at personal dictatorial rule, at Pan-Arab leadership, and Ba'athist socialist which brings him into direct confrontation with the other regional strongman, Ayatollah Khomeini.

2. Ayatollah Ruhollah Khomeini

"A riddle wrapped in an enigma" (to use Winston Churchill's oft quoted phrase) seems the best description of the Ayatollah to the western mind. Time magazine's 1979 man of the year is viewed as a religious mystic, an ascetic spiritual leader whose teachings are unquestioned, and a fanatic whose judgments are harsh, whose reasoning is bizarre and whose conclusions are surreal. A man for all seasons, he is adored by his followers with the title Imam and loathed by his enemies. As the leader of Iran's Islamic revolution he gave the 20th century world a lesson in the shattering power of the Islamic faith, and of the ease with which terrorism can be adopted as governmental policy. A man who has spent his whole life in a religious calling developing an iron will, an inflexible devotion to the simple, all-encompassing Islamic life style, and a lately discovered finely tuned instinct for articulating the passions and rages of his people while at the same time assaulting the very foundations of other cultures and governments (particularly those Islamic Arab states), Khomeini is a force to be reckoned with both on the international and regional stages of the world.

Arrogant and pious, stubborn and vengeful, humorless and inflexible, ascetic and powerhungry, logical and Muslim are some of the adjectives which describe this man who has come to be the leader of Iran. Initially his stated goal was the overthrow of the Shah and his Satanic backer (the U.S.) and the establishment of an Islamic Republic, Khomeini has since been drawn into the political realm and is now the leader of Iran in both the religious and political sense. So much so that he now has more titles than the man he worked so long and hard to overthrow, the Shah, ever had: Savior of the Generations, Defeater of the Oppressors, Imam of the Age.³⁴

Born on May 17, 1900, Khomeini has spent 66 of his 80 years of life in philosophical study and religious teaching. A long time opponent of the Shah, Khomeini, in 1944, contributed to a book which denounced the monarchy.³⁵ Khomeini maintained his anti-Shah credentials and in 1963 he and other members of the Muslim clergy protested the Shah's "White Revolution" by leading large demonstrations against the monarchy. The "White Revolution" was a program of modernization which angered Khomeini and the mullahs because they, as the second largest group of landholders in the country, were monetarily disenfranchised of their land as the Shah distributed their huge red estate holdings to the people. Khomeini also attacked the government and the Majlis for passing a bill which granted diplomatic immunity and privileges for U.S. military personnel and a further bill which sought

a 200 million dollar loan from the U.S. for the purchase of military equipment.

Among the six Grand Ayatollah's of the time, Khomeini was the only one who was not co-opted by the Shah and for his efforts was exiled in 1964, first to Turkey and then to Iraq. From 1964 until 1978 Khomeini kept up his incessant but generally unpublicized attacks on the Iranian monarchy. In October 1978 when the popular uprisings against the Shah began to gather momentum, Reza Pahlavi pressured Iraq to expel Khomeini in the hope that moving him from near proximity to Iran would aid in defusing the unrest then ongoing in the Shah's Empire. Khomeini and his supporters settled in a small town outside Paris and kept up his attack on the Iranian government, only now Khomeini had the Western press and media to transmit his message to an ever-enlarging mass of supporters inside Iran.

On January 16, 1979 the Shah and his Empress left Iran for a "vacation" and in February 1979, Ayatollah Khomeini returned to Iran in a 747 to a tumultuous welcome.

Khomeini set about designing and implementing his Islamic state. First a national referendum overwhelmingly gave legitimacy to his Islamic dream, followed next by the writing of an Islamic constitution, election of a president and a majlis (dominated by Islamic clerics). In between were the executions of many of the former Shah's supporters and in November 1979, the apparently spontaneous takeover of the U.S. embassy and the holding of 50 diplomatic hostages until January 1981.

Khomeini has declared many times, that his ideal Islamic state existed during the five year reign of Ali, who died in 661 A.D., the last Orthodox Caliph.³⁶ And so to Khomeini the only just state is one which is ruled by Islamic theologians, who alone can be trusted to interpret God's commands directly. The clergy's duty is not just to pass moral judgment on the acts of the government, but, as can be seen by Iran's new constitution, to rule the state directly.

While they come from completely different backgrounds, both Saddam Hussein and Ayatollah Khomeini are the leaders of regionally powerful and important states which by virtue of their strategic geographic positions and natural resources (i.e., oil), are vital to the world scene. Both countries are nominally run in a constitutional manner (see Appendices B and C), but in reality both are controlled in an almost absolute fashion by the men at the top, i.e., Hussein and Khomeini.

It is inevitable then when two conflicting nations each have an authoritarian ruler that the course of the conflict will hinge around the two personalities of the heads of state and the relationship between them. In the case of Iraq and Iran, Hussein and Khomeini share a bitter personal and a bitter religious rivalry while their nations have a centuries-old history of nationalist disputes.

For Saddam Hussein, Khomeini holds out the danger of a Shiite renaissance which could sweep through "Eastern Islam" taking with it Hussein, the Ba'athists and the rest of the

Gulf. For Khomeini, Saddam Hussein represents the conservative Sunni reaction to all he has attempted to achieve for the Shiites. Furthermore, Hussein has shown a dangerous capability to drown the Islamic nature of the Iranian revolution by a renewed call for Arabs to unite in the face of Persia. Both men are competing with two opposed ideologies for the same international constituency.³⁷

Hussein may have never forgotten the humiliation meted out by the Shah of Iran to Iraq and himself personally, when the Shah imposed the 1975 Algiers Agreement on a then powerless Iraq. The revolutionary Khomeini once installed in power in Teheran, began to call on Iraqi Shiites to rise up and "stab Hussein in the back."³⁸ The attempt by Khomeini to stir up sectarian and religious dissent in Iraq is a particularly sore point with Saddam Hussein and the Ba'athists, who have spent a great amount of time and effort to build a unified socialist Iraq. Particularly nettlesome to Hussein were the increased efforts in the summer of 1980 by Khomeini to send agitators into Iraq to organize the al'Da'wa Party, and the Teheran press publicized plans to overthrow the Iraqi Regime.³⁹ In April, 1980 the Iraqi regime claimed to have uncovered an organization called Al Da'wa al Islamiya, which has ties to Iran and is comprised of Iraqi Shī'as, Kurds, and Communists. Al Da'wa was said to be planning sabotage operations throughout the country and to possess large quantities of ammunition and explosives smuggled from Iran.⁴⁰ Increased inflammatory

radio broadcasts from Iran, with mocking attacks on the leadership of Saddam Hussein led to fuel the personal feud.⁴¹

Likewise Ayatollah Khomeini has personal grievances against Hussein. When in exile in Iraq during the reign of the Shah, Khomeini settled in the holy cities of Karbala and Najaf. Under pressure from the Shah, Saddam Hussein had Khomeini placed under house arrest and then deported to France. Shortly after his departure from Iraq, Khomeini was infuriated by reports that Empress Farah had visited the Shiite holy city of Najaf and had been welcomed there by Saddam Hussein in a gesture of support for the Shah's regime in Teheran. More recently, Khomeini has been angered by the way Saddam Hussein thwarted his efforts to move the spiritual headquarters of the Shiite movement from Najaf to Qom.⁴²

Khomeini had asked that the governing religious board of the Najaf college should consist mainly of theologians who would be moved from Qom, and for Qom's college leadership to approve and initiate Najaf's curriculum. But Khomeini's requests were opposed by Imam Khou'i who may have suspected that these were the first moves towards transfer of the highest seat of Islam from Najaf to Qom.⁴³

Imam Khou'i is the highest authority in the Shiite world. Based in Najaf, the Imam has recently been visited frequently by Saddam Hussein suggesting that the Imam and the President are political allies. Both are united against Khomeini--Hussein for fears already expressed and Khou'i for fear that Khomeini was attempting to assume the overall leadership of the entire Shiite world.

In fact, shortly after the outbreak of the Iraq-Iran war, Ayatollah Khomeini's aides had sought to proclaim him as the awaited "Mahdi," i.e., the "Hidden Imam" returning to rule the Muslim world. In order to affect such a declaration they needed Imam Khou'i's endorsement since as has been said, he is the highest authority in the Shi'a world and the only man who could sanction such a declaration. In effect, this would have made Khomeini divine.

Khou'i refused to accommodate Khomeini firstly because it would mean a lessening of his own (Khou'i) position and power in the Shiite world, secondly Khou'i may have feared that Khomeini's ambitions could have set off intra-Muslim massacres, between Khomeini supporters and detractors, throughout the entire Islamic world, and thirdly Khou'i is an Arab and while he may feel some affinity toward Khomeini's brand of Shiism, Khou'i is not able to overcome the blood ties he has with the Arab world (no doubt Saddam Hussein has gone to great lengths to help Khou'i keep close to his ethnic background).

So the personal feud between these two leaders stretches over political, religious and ethnic lines to fuel the fires of war and in some cases this personal animosity seems almost to be a primary cause of the war and certainly a significant factor in its continuance.

C. IRAQ AS A REGIONAL GENDARME

The fall of the Pahlavi monarchy in January 1979 and the attendant directed collapse of Iran's security forces

left a great void and vacuum in the area of the Middle East.

Iraq with its modern Soviet-supplied military was the only regional power in any way well situated to fill that void. An ever-increasing fortune in petro dollars and a political affinity to support terrorist groups and organizations along with a long time hostility toward the West, particularly the United States allowed the U.S.S.R. to step in to accommodate Saddam Hussein's desire to be a regional military power and demands a somewhat detailed description.

The war with Iran is the first major involvement of Soviet-equipped Iraqi forces in military hostilities. The Army has about 210,000 men with reserves of 250,000. It is equipped with about 2,900 Soviet tanks, including at least 50 of the latest T-72's, and about 2,500 armored vehicles. The main battle tank force is composed of T-54/55/62/34/85's and some PT-100's. The army has some French tanks with more than 100 on order. For armored vehicles the army possesses Soviet BTR-50/60/152's, AML-90's and BMP's as well as some French Panhards and UK ferrets. Interestingly, Iraq has received some deliveries of a large quantity of vehicles ordered from Brazil. Brazil has continued shipping vehicles to Iraq, despite the war, and in return has been given priority for Iraqi crude when available, and war relief crude from other Arab Gulf States when it is not. Brazil recently added a military attache to the Baghdad Embassy in probably expectation of future orders.⁴⁴

Air Force personnel number about 28,000. The force is divided into squadrons of light bombers, interceptors, fighter ground attack planes, transports, and helicopter gunships. The Iraqis deploy two bomber squadrons which have Ilyushin IL-28s and TU-22 Blinders (32 aircraft in all). The most significant development in the deployment of ground attack fighter types has been the arrival of the first 12 Mirage F-1's. Iraq is said to be willing to buy 100 Mirages. About 60 further F-1's have been requested and the French are expected to supply the highly advanced Mirage 2000 when it becomes available. Apart from these, the Air Force has about 110 MIG-17/23/27's and a squadron of MIG-25's were ordered in 1976 but has not yet been delivered. For the interceptor role there are 115 MIG-21's and for counter insurgency 16 UK Jet Provosts. Ilyushin IL-14's and Anotor-AN-2/12/24/26's make up the bulk of transport aircraft. Iraq has eight helicopter squadrons of 185 craft made up of MIL's, Alouettes, Gazelles, Pumas, Super Frelons, and Augustas.⁴⁵

The Navy has 4,000 men. The fleet consists of sub-chasers, patrol boats, missile launcher boats, torpedo boats and mine-sweepers. The main naval bases are at Basrah and Um Qasr. Four Soviet OSA-1 class and eight OSA-2 class, armed with Styx surface to surface and foru SSN-2 missiles. For fast attack torpedo operations the Navy has 12 Soviet P-6s, 2 Polutchat class large patrol craft and 14 UK Thorneycraft coastal patrol class. A 1,850 ton Yugoslav frigate is used

for training. There are 3 Polnocniy class tank landing craft and two Soviet class minesweepers.⁴⁶

Iraq has a long standing dispute with the U.S. over a \$2 billion deal with Italy for the supply of four Lupo class frigates and six missile corvettes. Eight of the turbine engines for the Italian vessels were to be manufactured in the U.S. by General Electric. The sale of the engines was initially approved by the Carter Administration, but in a reversal of policy, because of the Iraq-Iran war, the administration suspended delivery in September 1980.⁴⁷

No other nation in the Persian Gulf area can match the predominance of Iraq's military arsenal, and because of that fact Saddam Hussein is in an excellent position to succeed the Shah in the role of the area's policeman.

In his effort to propel Iraq into centerstage amongst the Arab nations, Hussein, in February 1980, proclaimed an Arab National Charter which outlined and communicated to other Arab leaders his ideas on future united political action. The most revealing section of the Charter states that Arab nations should not resort to the use of force against one another to settle their disputes but that peaceful alternatives should always be exhausted first. This is a far cry from the revolutionary rhetoric of radical Iraq in the mid and early 1970's.

This shift can be traced back to the 1978 Baghdad Summit. As host, Iraq had a great stake in insuring the success of the conference, but realized early on the difficulties

involved in reaching a universally (pan-Arab) acceptable position. The success of the summit was attributable to the skill of the Iraqis, particularly Saddam Hussein, in bringing together the Arab leaders into a common platform. The Iraqis were forced to tone down their heretofore rigid revolutionary position, and gave the Iraqi leaders a taste for diplomacy and an awareness that moderate and pragmatic moves could prove far more effective than revolutionary rhetoric in influencing their Arab peers.

The Iranian revolution increased Iraq's prestige within the Arabian Peninsula by allowing it to fill the strategic vacuum left by the departure of the Shah and the disintegration of Iran's military. Iraq presented itself as the protector of the smaller Arab Gulf states against the Iranian threat.

Difficulties at home with the Kurdish minority, the Shī'a majority and political opposition within the Ba'ath party had to a certain extent hamstrung Hussein by not allowing him to use his military force to the full extent. Prior to 1979 Saddam Hussein could find no opponent in close enough proximity to utilize his military forces against. The Shah and his military were too strong, attacking another Arab state would be an antithesis of the Ba'ath party's call for Arab unity, and Israel was too far away and too powerful an adversary to hope for any success against.

The fall of the Shah and the rise of Khomeini with the attendant destruction of the Iranian military allowed Saddam

Hussein to have a perfect enemy. One with whom almost every Gulf Arab state had a historical dispute, one that was threatening to the majority of Arab states by virtue of the exportation of Islamic revolution, and most important of all, one which was non-Arab and therefore could be used to establish Iraq's international legitimacy and the leadership of Saddam Hussein in the Arab World.

1. Pan-Arabism

Prior to the 1978 Baghdad Conference, Iraq was viewed by its Arab brethren states as a somewhat renegade state set on its own course in Arab affairs. But the Camp David accords allowed irredential Iraq, through the calm, cool helmsmanship of Hussein to begin to take the lead in the Arab world, especially in regards to the proper Arab line toward Israel and Egypt. A resolution of border demarcation between Iraq and Kuwait and Iraq and Saudi Arabia went a long way toward calming Arab fears toward Iraq and enhancing the leadership drive of Saddam Hussein.

Hussein has played heavily on the Arab nature of Iraq's conflict with Iran. He has sought to make the war an Arab-Persian confrontation as opposed to Sunni-Shī'a, or Ba'athism versus Islamic Republicanism. Iraq's propaganda has been strongly along the lines of an Arab-Persian dispute, and prior to the outbreak of hostilities it is clear that Saddam Hussein went to great pains to ensure the backing of other Arab states for his position by sending his Foreign

Minister, Saadoun Hammadi, to each of the Gulf States prior to September 1980, and by making an unprecedented visit to Saudi Arabia's King Khalid on 5 August 1980. In the resulting joint communique and in Iraq's follow-up consultations with other Arab states, the emphasis was on "the present situation in the Islamic world," the euphemism adopted for Iran.⁴⁸ Toward the Iranian threat, the Hussein-Khalid communique "enjoined that peripheral differences should be discarded and ranks should be closed."⁴⁹ Additionally in May and June 1980, the Crown Prince of Kuwait, the King of Jordan, the Emir of Ras al-Khaima and an emissary from the President of the United Arab Emirates all visited Hussein in Baghdad. The 10 May 1980 joint Iraqi-Kuwaiti communique stressed that the security of the Gulf is the Arab Gulf countries' preoccupation.⁵⁰ So it should come as no surprise to see Saddam Hussein couch his propaganda in terms of "Arab Khuzistan" and the three "Arab" islands occupied by Iran. Foreign Minister Hammadi put it thusly, "...What I would like to say is that we are all Arabs, and our sense of responsibility is not less than that of any other nation. When an Arab fights for Arab territory, in defense of the independence of Arab states, the issue is a nationalist one and not a political issue pitting one state against another. These matters must be viewed from a nationalistic angle. When an Arab fights a non-Arab in defense of Arab land, it is the duty of every Arab to stand by his brother, because this is a question of Arab sovereignty..."⁵¹

On 25 August 1980, Saddam Hussein said Iraq will wage war against any foreign force attacking Arab land, no matter what political color this Arab regime might have: "Iraq has a role in boosting the security of the Arab nation and in confronting imperialist attacks."⁵²

Iraq's support of the "Arab" cause stretched over the border into Iran well before Iraqi military forces invaded Iran. In June, 1979, Vice Admiral Timsar Madani, then the Chief of Staff of the Iranian Navy and the Governor General of the province of Khuzistan complained that, "Brother Saddam Hussein is involved in smuggling arms into Iran and a flood of arms is flowing to Iran from his direction."⁵³ The 3.5 million Arabs of Khuzistan are a large and potentially troubling minority for the Teheran government.

Ever mindful of the importance of portraying the Iraq-Iran War as an Arab-Persian conflict, Saddam Hussein has gone to great lengths to offer support and succor to those Arabs who seek to be free of the domination of Teheran. Abu Karmab as spokesman for the Popular Movement in Arabistan stated that Arabs in Arabistan consider the Iraqi army as a "liberation army."⁵⁴ The Popular Movement appealed to the U.N. in a letter to Secretary General Kurt Waldheim, that they consider Khuzistan (Arabistan) to be Arab land and wish to be an autonomous region.

It is interesting however to note that even though some of the Arabs of Iran's Khuzistan Province support Iraq in its war with Teheran, there has not been a genuine, grass

roots, popular movement amongst the majority of the province's Arab minority to give all-out blessing and support to Iraq's occupation of Arabistan. Even Abu Karmak and the Popular Movement in Arabistan did not call for permanent Iraqi occupation or inclusion of Arabistan into greater Iraq. Perhaps religious affiliation is thicker than Arab blood or perhaps Saddam Hussein is not the Great Emancipator whom Iranian Arabs can trust in for leadership.

Iraq's Pan Arab moves also have an economic twist. At the 1978 Baghdad Conference, Iraq agreed to assist certain front-line Arab states with monetary grants totaling about \$520 million. Syria, Jordan and the PLO have received some \$350 million thus far.⁵⁵ Iraq officially states that these grants are an obligation of its role as a leader in the Arab world, but it cannot be totally discounted that Iraq is attempting to buy friends, indeed buy its way into a position of leadership in the Arab world.

At the July 1980 meeting of Arab Foreign and Economic Ministers, Iraq again lead the way in discussions to set up a joint development fund of \$10-15 billion for support of non-oil Arab states. This proposal was latter ratified by the Arab States attending the Arab Summit in Amman Jordan.⁵⁶ (Syria, Libya, PDRY, Lebanon, Algeria, and the PLO did not attend in reaction to Saddam Hussein. Egypt was not invited due to its approval of the Camp David Accords.) Iraq solidified its emerging position of leadership by receiving the

backing of the Arab States (except Syria) for its proposal to end the Iraq-Iran War at the Ta'if Islamic Summit in January 1978. Furthermore Iraq took the lead in supporting the Kuwaiti proposed Gulf security plan whose broad outlines were discussed in private meetings also at the Ta'if Summit.⁵⁷

Iraq is clearly in a position of power and importance vis-a-vis the other Arab states of the Gulf. It is in the van in the philosophical, economic, and security considerations of the area. Iraq's position is contrived and currently well established both because of the war and on account of the war. All the Arab states look to Iraq as a regional force not only in military terms. This new position for the former Arab pariah state is due primarily to the cool, calculated excellent leadership of Saddam Hussein, fears of the ruling Arab elites of a Lebanonization of the Arab Gulf countries, and to the inflexible stance and the belief of Ayatollah Khomeini for a single Islamic government for all Islamic states.⁵⁸

Whether Iraq's new position will survive the rigors of a protracted war remain to be seen, but as of now Saddam Hussein sits quite comfortably on the throne of Ba'athist Iraq and appears to be trying on the crown of leadership of the Arab world passed on to him by his idol Gamal Abdul Nasser.

D. OPINION

From the foregoing it is obvious that the causes of the war are many and varied, subtle and straightforward, clear and murky. Recovery of Arab lands and Arab waterways makes

good propaganda, as does defense of Persian land and Persian waterways, both on the home front and the international scene. But through all the rhetoric unstated themes seem to be more meaningful in discussion of the cause of the Iraqi-Iranian conflict, the dispute over land, islands, and the Shatt-al-Arab is a highly convenient cover under which the real causes of the current dispute can operate. However the stated causes of the war cannot be totally dismissed as unmeaningful for without them the legitimacy of the cause of each side in seeking both internal and external support could not be guaranteed.

Without the stated causes it would be difficult at best to muster support for a Sunai-Shī'a conflict, for a Ba'athist-Islamic Republic conflict, for a personal feud between the two leaders, for Iraq's attempt to become a regional power, for Iraq's attempt to become the leader of the Arab world, or for Iran's attempt to become the model Islamic religious state.

But it is in these unstated causes where the real goals of the war lie. The return of Iraqi sovereignty over the Shatt-al-Arab and of Arab sovereignty over the islands, the maintenance of Iranian sovereignty over the Shatt-al-Arab and the islands are important issues but in effect offer a stage for which the real issues can play behind the curtain of legitimating each countries' real aims and goals.

Iraq, particularly the elite, seeks to maintain peace and tranquility within its borders amongst the Shī'a majority

and the Sunni minority. Iraq cannot let the call of Khomeini for Islamic revolution by Shiites go unanswered and its leader Saddam Hussein has taken great pains to appear to be an Islamic leader. His co-optation of Ayatollah Khou'i into the government fold is clear evidence of these efforts. In this he was ably, albeit unwittingly, aided by Khomeini's attempt to move the seat of Shiism from Najaf and Karbala to Qom.

Iran on the same subject tried to elicit support for its cause by playing on the religious sensibilities of Iraqi Shiites in order to expand its revolution, which it is constitutionally bound to do and secondly to keep Iraq's military machine occupied with internal disputes while Iran rebuilt its own defenses.

Iran also sought the overthrow of the godless government of the Iraqi Ba'athist state on purely religious grounds, for Ba'athism is an anathema to the guiding ideals of the Islamic Republic. In Iran's view there can be no state which is not governed in strict accord with the Quran and the Hadith.

The personal feud between both leaders and the wish of each for the downfall of the other is critical to the conflict between the two countries. The autocratic similarities of their style of personal rule when added to religious and governmental differences begets a situation which is totally flammable in nature.

Iraq's attempt to be a regional power of importance, to be the Arab standard bearer in a war against non-Arabs, to

become the leading force in the unification of the Arab nation, and the leader of a unified Arab nation are factors which weigh very heavily when considering the war and its causes.

Iran, on the other hand, seeks the same type of leadership role in the larger and more diverse Islamic world. Because of this jockeying for a leading position amongst a group of peoples who are not mutually exclusive a conflict between the two states, governmental styles, and leaders was inevitable.

If the conflict is ever settled, no doubt the headlines will dwell on the Shatt-al-Arab and Arab islands, but no settlement will be possible until the real, underlying, unstated causes of the war are first brought to resolution. A geographical peace will only lead to future war.

FOOTNOTES TO CHAPTER III

¹632-661; with Abu Bakr, Omar, Uthman, and Ali as Caliphs.

²Farah, Caesar F., Islam, Barron's Educational Series, Inc., Woodbury, N.Y., 1968, pp. 12-18.

³Ibid.

⁴Guillaume, Alfred, Islam, Penguin Books, Middlesex, U.K., 1954, pp. 56-59.

⁵The others are: the creed, prayer, fasting, almsgiving, and pilgrimage.

⁶The legal code, Islamic law.

⁷Guillaume, Alfred, Op. Cit., pp. 70-72.

⁸Algar, Hamid, Constitution of the Islamic Republic of Iran, Mizou Press, Berkeley, Ca., 1980, p. 12.

⁹Algar, Hamid, Op. Cit., p. 14.

¹⁰Algar, Hamid, Op. Cit., P. 15.

¹¹Khomeini, Ayatollah Ruhollah, Islamic Government, translated by Joint Publications Research Service, Manor Books, N.Y., 1979, pp. 15-18.

¹²Ibid.

¹³Literally "Resurrection Party."

¹⁴Arab Sunnis make up 59% of the elite, Arab Shī'a, 19% and Kurds 17% (see Lenczowski, George, ed., Political Elites in the Middle East, American Enterprise Institute, Washington, D.C., 1978, p. 98).

¹⁵American University, Area Handbook for Iraq, Washington, D.C., 1971, p. 16-20.

¹⁶I.e., the Ba'athist party and the ruling Sunni elite.

¹⁷Algar, Hamid, Op. Cit., p. 16.

¹⁸"Teheran Religious Organization Airs Grievances Against Iraq," Keyhan, 13 June 1979, p. 8.

¹⁹"Interview with Iraqi Political Refugees in Iran," Teheran Keyhan, 17 April 1980, p. 3.

²⁰Nyrop, Richard F., Iraq: A Country Study, American University, 1979, p. 37-42.

²¹al Tabataba'i, Muhammed Hudayn, Shi'ite Islam, State University of New York Press, Albany, 1975, p. 22-23.

²²The Revolutionary Command Council, ruling body of the state of Iraq.

²³Khadduri, Majid, Socialist Iraq, The Middle East Institute, Washington, D.C., 1978, p. 78.

²⁴Former President Ahmad Hasan al-Bakr; Barzan Ibrahim, Chief of Internal Intelligence and Hussein's half-brother; Adnan Khairallah Talash, Minister of Defense, and Hussein's first cousin and brother-in-law; Sabawi Ibrahim, head of the Ba'ath party militia are all former residents of Tikri.

²⁵Rashid 'Ali al Gailani led a coup against the government of Nuri as Said and the British, which established Iraq as an independent state for a few short months in 1941.

²⁶Khadduri, Majid, Op. Cit., p. 62.

²⁷First Ba'athist attempted coup after the tripartite attack on Egypt in 1956.

²⁸Brigadier Abd al-Karim Kassein who led the 1958 revolution which overthrew the Hashimite monarchy and established a Republican Iraq.

²⁹Khadduri, Majid, Op. Cit., p. 53.

³⁰Nyrop, Richard F., Op. Cit., p. 54.

³¹Some contend that al-Bakr was forced to retire after the July 1979 abortive coup against Saddam Hussein.

³²Minard, Lawrence, "Iraq: The Oil, C'est Moi," Forbes, 18 August 1980.

³³Arab Press Service, "Redrawing the Islamic Map," Vol. 13, No. 23, December 1980, p. 14.

³⁴"Portrait of an Ascetic Despot," Time, quote attributed to Marvin Zonis, director of the Center of Middle East Studies, University of Chicago, Vol. 115, No. 1, 7 Jan 1980, p. 15.

³⁵Khomeini, Ayatollah Ruhollah, Op. Cit., p. 47.

³⁶"Portrait of an Ascetic Despot," Op. Cit.,

³⁷"Redrawing the Islamic Map," Op. Cit., p. 15.

³⁸Ibid.

³⁹Teheran, Keyhan, "Plan to Overthrow Iraqi Regime," 10 July 1980, p. 14-22.

⁴⁰Middle East Intelligence Survey, 16-30 April 1980, p. 1,2.

⁴¹"Redrawing the Islamic Map," Op. Cit.

⁴²"Islam at War," Arab Press Service, Vol. 13, No. 23, December 1980, p. 12.

⁴³Arab Press Service, Vol. 13, No. 19, November 1980, p. 22.

⁴⁴"Strategic Balance in the Middle East," Arab Press Service, Vol. 1, No. 7, April 1981, p. 14-17.

⁴⁵Ibid.

⁴⁶Ibid.

⁴⁷Ibid., p. 17-19.

⁴⁸Wright, Claudia, "Implications of the Iraq-Iran War," Foreign Affairs, Winter 1980/81, p. 54.

⁴⁹Ibid.

⁵⁰Arab World Weekly, 17 May 1980, p. 34.

⁵¹"An Interview with Saadoun Hammadi," Beirut Monday Morning, 26 Oct 1980, p. 12-16.

⁵²Arab Press Service, Vol. 19, No. 10, September 1980, p. 11-12.

⁵³"Saddam Hussein has Flooded Iran with Arms," Teheran Ettela'at, 6 June 1979, p. 1-2.

⁵⁴"Text of Aribistan Officials Press Conference," Baghdad INA, 23 Dec 1980, p. 1-2.

⁵⁵Paris Al-Watan Al-Arabi, 23 Aug 1979, p. 4.

⁵⁶Arab Press Service, Vol. 13, No. 3, 23 Jul 1980, p. 8.

⁵⁷Arab Press Service, Vol. 14, No. 6, 11 Feb 1980, p. 43.

⁵⁸FBIS, May 7,8 1980, p. 13-17.

IV. REACTION OF ARAB STATES TO THE WAR

The reaction of Arab States to the Iraq-Iran, Arab-Persian war has been different and varied. The purpose of this half of the thesis is to explore these reactions by examining those factors internal and external to certain states that would cause them to support or not support either Iraq or Iran. Both the stated and unstated causes of the war are vital to understanding the position of Arab states.

At first blush it might be a foregone conclusion that Arab states would align themselves along Arab or ethnic issues to support Arab Iraq. But this is not the case for Syria and Libya have supported Persian Iran.

Iraq's support by such states as Saudi Arabia, Jordan, and Kuwait may be more complex than purely an Arab solidarity issue. Just as the support of Iran by Syria and Libya may be more complex than religious or Islamic issues.

In order to begin this discussion the nature and makeup of the nebulous "Arab Nation" and its ethnic and religious ramifications seems to be called for.

A. THE ARAB NATION

The Arab Nation (al-umma al-'arabiyyah) is a concept, a creed, a consummation to be sought, a dream of reconstructing past glories. The meaning of the phrase depends on the one who uses it. The umma exists only in the minds of those who believe in it, yet this belief is the most important note

struck in the works of the Eastern Arab intellectual and there is hardly a single political leader in any Arab country who would not affirm the Arab Nation is a reality.¹

The beginnings of the Arab Nation can be directly traced to the rise of Islam in the seventh century A.D. Prior to that time while the term and concept undoubtedly did exist, the nature of Arabs was tribal and fractional.

A few years after the proclamation of Islam by Mohammed, the new faith had already unified the Arab tribes in the peninsula. And as the geographical boundaries of the Caliphate expanded under the Umayyids, it was as Arabs, not as a certain tribe or unification of tribes, that expansion came. What unified and distinguished them as Arabs, in addition to their new faith, was their language, which all Arabs understood, and the literary heritage of pre-Islamic Arabia, in which all Arabs took pride.² The spectacular victories won by the Arabs on the battlefield soon widened the territorial scope of the Arab Nation. Within one century, the Muslim-Arab domain came to extend from Spain and the borders of France in the west, to India and the borders of China in the east. By the eleventh century Arabic had become not only the chief idiom of everyday use from Persia to the Pyrenees, but also the chief instrument of culture, superceeding old culture languages like Coptic, Aramaic, Greek, and Latin. As the Arabic language spread, the distinction between Arab conqueror and Arabicized conquered faded into relative insignificance, and the Arab Nation was born.³

The Arabization of the area proved permanent and lasting throughout the centuries even though Arab political structures splintered and collapsed as crusaders from Europe and barbaric hordes from Asia nibbled at the arabized lands and subjected them to piecemeal occupation, plunder, and partial foreign domination. With the triumph of the Ottoman Turks over the Mamluks in 1516 and 1517, the road was open for the Ottomans to subjugate virtually all Arabs. By the middle of the 16th Century, the Ottomans had occupied the entire Arab area stretching from the Algerian-Moroccan border in the west to the eastern boundary of Iraq, and from the northern limits of Syria to the southern shores of the Arabian Peninsula. Of all the Arab lands, only Morocco and the Sudan were outside the imperial domination of the Ottomans, and only the heartland of the Arabian Peninsula, the Najd, was direct occupation and rule though Ottoman rule was generally sterile in that it imparted no new cultural values or creative impulses to the Arab world, and though it was often harsh and destructive of the sources of wealth in it. It did not impinge on the Arabism of its people so that when they began to awaken, three and a half centuries later, it was as Arabs that they did so.⁴

The Arab Nation (as a total entity) lay dormant until the defeat of the Turks in World War I. With the fall of the Ottoman Empire, the last Islamic Empire, all Islamic nations fell under colonial mandated rule in one way or another (with the exception of Hajaz and Najd). Arab pride, piqued through their fight against the Ottoman Turks, came to the fore as

Britain and France double-crossed their Arab allies in a series of secret treaties, the most famous of which was the Sykes-Picot Agreement of April, 1916.

Early in 1915 Sharif Husayn of Mecca, anxious to rid himself of the yoke of Ottoman Turkey, corresponded with Sir Henry McMahon, the British High Commissioner of Egypt and Sudan. For Arab assistance against the Turks, Britain agreed to establish a new Arab state bounded on the north by a line drawn eastward from Alexandretta to the Iranian frontier, then southward to the Persian Gulf and was to include the entire Arabian peninsula.⁵

The secret Sykes-Picot Agreement was signed only a few months after agreements embodied in the Husayn-McMahon correspondence were concluded. It allotted to Russia the Turkish Strait area, the vilayets of Erzerum, Trabzon, Van, Bittis, and Kurdistan. France was granted the coastal strip of Syria northward from Tyre, the vilayet of Adana, and a vague area of Cilicia. Britain obtained an enclave about Haifa and Acre on the Mediterranean, and Mesopotamia from Baghdad to the Persian Gulf. The area of Syria from Damascus and Aleppo eastward through Mosul to the Iranian frontier was consigned to French protection, while the region from Kirkuk to Akaba and from the Mediterranean to the Persian Gulf became a British sphere.⁶

The Arabs discovered this treachery only after November, 1917, when the radical government in Russia made the pact public information.

The result of the Paris Peace Conference, the San Remo Agreement of 1919, and the Treaty of Sevres in 1920 was that Arab lands were now the mandates of former Arab allies.

By the end of World War II, seven Arab states had won their independence and the cause of the Arab Nation was in full swing. This was aimed primarily at ending foreign colonial domination in the area and by 1971, all Arab states were independent.

In 1948, however another incident occurred, which solidified the reaction of the Arab nation. This was the establishment of the state of Israel. The Arab Nation now had two causes to play on simultaneously: freedom from colonial domination and the defeat of Israel.

Added to these were three other factors which at the same time stimulated the reawakening of the Arab Nation and Arab Nationalism: (1) the advent of modern means of communication enhanced contact among the populations of the various Arab lands. Arabs passed over the narrow confines of their immediate localities, within which their daily life and vision had been restricted. This had an incalculable effect on the emergence of concrete consciousness of the kinship among the Arab peoples, a consciousness heretofore largely confined to the intellectual groups; (2) an Arab cultural revival which gained momentum during this time contributed to the sharpening of the Arab national consciousness; (3) the idea of nationalism, the urge for freedom, was felt as a patriotic longing for protection of one's homeland from foreign usurpers.

The urge for unity was a corollary demand for the pursuit of the right of every national community to establish political statehood in its territory.⁷

And so as a result of all these factors the idea of an Arab Nation reblossomed in the 20th century. In the 1940's and 1950's two events occurred which gave form and substance to this idea. One was the establishment of the League of Arab States in 1945, the second was the ascension to power of Gamal Abdul Nasser to power in Egypt in 1952.

B. THE LEAGUE OF ARAB STATES AND NASSER

The League of Arab States was created toward the end of World War II and came formally into existence on March 22, 1945, with the signing of a pact by the seven original member states: Egypt, Saudi Arabia, Iraq, Syria, Lebanon, Yemen, and Transjordan. The league was born as a result of two main influences, Arab nationalism and British support. Today the League is composed of twenty one member states.

Perhaps the most salient feature of the League as a regional organization is the special relationship existing between its member states. They view themselves not merely as neighborly states with common interests, but rather as brotherly states belonging to one Arab Nation. Hence the relation between the establishment of the League and the movement toward Arab unity. When the League was created in 1945 it was the nearest proximation to the Arab quest for unity upon which its founders were then able to agree.⁸ The

League came into being with the hope, explicitly stated that Arab states would be able to agree and attempt a consolidation of aims and goals.⁹ In short the greatest contribution made by the League was the bringing together of all sectors of the Arab World into one Pan-Arab fold.¹⁰

Just as the League of Arab states gave the Arab Nation a framework within which to operate, it was Gamal Abdul Nasser that gave the Nation a personal leader. With the overthrow of King Farouk in Egypt and his eventual replacement as leader by Nasser, all the Arab peoples had a leader with whom they could emphasize and identify with. Nasser was not merely the Egyptian leader but in reality the leader of the whole Arab Nation. For it was Nasser who was cheered by all Arabs when he "turned out the Redcoats," and stood up to Britain, France and Israel during the 1956 Suez Crisis. It was also the hero Nasser who could tell the powerful United States to "go to hell" with its aid.¹¹

Nasser also worked politically for Arab unity in the formation of the U.A.R. with Syria and the U.A.S. with Syria and Yemen. He became the main spokesman and provocateur for the Arab World vis-a-vis Israel and championed the cause of Arab nationalists in Morocco, Algeria, and Tunisia.¹²

C. CRACKS IN THE ARAB NATION

However the Arab Nation also had problems on two levels: (1) the philosophical, a struggle within itself because of its Islamic roots; and (2) the practical, in that centrifugal

forces existed which drew the Arab Nation away from itself.

Certainly Islam would not exist today if it were not for its Arab beginnings and conversely Islam provides the Arab Nation with its cultural and religious cement. Sometimes despite existing differences and a forced blending of the two to confront challenges from abroad, it seems that they blend together and become one. At other times each one of them appears as a weapon with elements that are quite distinct from each other. Although Islam is the spiritual and cultural backbone as well as the driving force behind the pan-Arab trend, the spiritual, intellectual, and political heritage of non-Muslim Arabs also plays a part. Not all Arabs are Muslim and not all Muslims are Arab.

The divisions and estrangement between Arabism and Islam has grown since the outbreak of the Iranian Revolution and most especially since the start of the Iraqi-Iranian War.

Islam is a religion, a frame of mind, a way of life. It preaches and advocates universal morals and values wherein all people are equal. It transcends race, geography, and language. Arabism designates the Arab in particular. It is a national term, a social, psychological term which manifests an emotional phenomenon in Arab Society.¹³

Some as Qadaffi, believe there is no place in Arabism for a non-Muslim, that in order to be an Arab one must be a Muslim.¹⁴ Others, as Khomeini, look at Islam as a state, a state which rules all Muslims, whether they be Arabs or Persians.

The problem arises amongst Arabs because Islam as a religion is so pervasive throughout the society and government of the modern Arab state. The Quran and Hadith provide instruction for every aspect of the believers life and woe betide the government or ruler who unwisely rules in contravention of the Sharia. However Arabism exists on another plane, the plane of politics, governments and unity within only the Arab Nation. Do Arabs first answer the call of their ethnicity and culture or that of their religion?

For the Arab Nation, Arabism cannot exist without Islam and of course Islam cannot exist without Arabism. The forces of both flow too deeply within the blood of the Arab to differentiate, but each of the forces may push and pull simultaneously in different directions.

An Arab war with another Islamic state intensifies these feelings and it may be for this reason that some Arab states may have reacted to the war between Iraq and Iran in an Arab manner, while others, in an Islamic manner.¹⁵

Cracks in the Arab Nation, or disunity, are oftentimes laid to blame on foreign influences. This however is not the case since there are a number of centrifugal forces which also may be listed as causes of disunity: the rivalries among Arab rulers, the discordant streaks in the Arab political canvas, the ingrained individualism and parochialism of the Arab character, and, indeed, the selfishness inherent in the imperfection of human nature and in Arab nature which Arab Nationalists fail to take into account.¹⁶

All these have led to disputes between and amongst Arab states in contradiction to the concept of the Arab Nation and may play a major role in the reaction of certain Arab states to the Iraq-Iran War.

So then it is this question of unity or disunity to use Lenczowski's phrase which will be looked at next in the reaction of Arab states to the troublesome war waging between Arab-Islamic Iraq and Persian-Islamic Iran.

The most recent event indicative of the unity of the Arab Nation was the Arab reaction to the Camp David Accords, in the calling of the November, 1978 Baghdad Summit. It looked as if some real progress could be made toward realization of the Arab Nation as Iraq and Syria attempted unity, the Yemeni crisis cooled, and Iraq settled long-standing border disputes with both Saudi Arabia and Kuwait. But as the fate of Reza Pahlavi became clearer and clearer and finally a truism, cracks began, once again, to appear in the unity and resolve of the Arab Nation.

The next section examines some of the Arab countries' involved reasons for supporting Iraq or Iran.

D. SAUDI ARABIA

More than anything else two internal events in November 1979, spurred by external stimuli caused the Kingdom of Saudi Arabia to reevaluate its position toward the Islamic Republic of Ayatollah Khomeini. Initially Saudi Arabia was cautious in its public pronouncements on the Iranian revolution. Glad

to see Khomeini's switch away from Israel toward the PLO, but on the other hand mindful that the Shah was a monarchical ruler just as is the royal family in Saudi Arabia, and the fall of the Shah further reduced the ever dwindling number of monarchies in the world in general and the Middle East in particular.

Shortly after the seizure of the American Embassy in Teheran in November, 1979, Saudi Arabia was rocked by the occupation of the holy mosque in Mecca by a group of Islamic fundamentalist zealots.¹⁷ Almost simultaneously Shiite demonstrators in the eastern, oil rich, Saudi Arabian province of ~~Sayhat~~ rioted in support of Ayatollah Khomeini. Demonstrators, including women, brandished the now famous placards of the Ayatollah and chanted slogans against the royal family and the U.S. Some 20,000 Saudi troops were brought in to quell the riots with the resultant death of between 5 to 12 demonstrators.¹⁸ Soon thereafter the students holding the American Embassy in Teheran called upon all Saudis to "rise up against their rulers."¹⁹ Shiite riots against the rulers of Kuwait and Bahrain at about the same time caused the Saudi government to reevaluate its position regarding the Islamic revolution and the Islamic government in Teheran. A small scale rebellion of some Saudi military led by the commander of the Haradh garrison also worried the royal family.²⁰

The Saudis worried that they might be the next monarchy to fall to Islamic fundamentalism. Add this to the Saudi's fear of Soviet encirclement and it is easy to understand the paranoia of the rulers of the Kingdom.

As Iraq sent out signals of rapproachment to the conservative Arab States, and publicized its willingness to take up the banner of the Arab cause against the Persians, the interests of Saudi Arabia and Iraq moved toward accommodation, culminating in quasi-public support for Iraq in the war against Iran.²¹ Saudi Arabia has made no official statement offering support for Iraq in the war, although Iraq has claimed that King Khalid did offer support by telephone. However Saudi Arabia did publicly endorse a resolution at the November, 1980 Arab Summit which explicitly expresses support for the lawful rights of Iraq to its land and water according to the international agreements previously signed by Iraq and Iran. It is evident now however that Saudi support for Iraq in the war goes father back. In fact it is clear that Saddam Hussein's August 1980 visit to the Kingdom²² was for the expressed purpose of obtaining Saudi backing for his forthcoming war with Iran.

But other concerns also occupy Saudi strategy in relation to the situation. Iraq is without question the most powerful military force in the area (save Israel). The Saudi's, who once looked to the Shah as the protector of the region and welcomed the safety of his military umbrella, now sought to replace Iran with Iraq. However it was not very long ago when Iraq and Saudi Arabia were at least verbal adversaries in the Arab world. Saddam Hussein once promised to "take the fight right into the princes' bedrooms," and accused the Saudi regime of being reactionary and promoting U.S. influence

in the Arab world.²³ Iraq also has a longstanding claim over the sovereignty of Kuwait, and a border dispute with Saudi Arabia.²⁴

Additionally Saudi Arabia is fearful of a spillover of the war into Saudi territory, especially the oil region, and is very aware that this region is vulnerable to air attacks from both Iraq and Iran.²⁵

Dangers for Saudi Arabia's future lurk on both sides of the question of the current war. If Iraq were to win then it surely must take the lead in the Arab world, and while Saddam Hussein is today amenable to Saudi influence because of the war, an Iraqi victory may mean that the Kingdom would be forced to give up its position of preeminence and follow the Iraqi line out of need for its own security and fear of a victorious Iraqi military machine. Saudi Arabia is aware of the Pan-Arab aspirations of Saddam Hussein and realizes that it must tread carefully in its dealings with Iraq.

An Iranian victory also holds dangers for Saudi Arabia in that it would enhance Iran's ability to influence events in the region by virtue of military and religious/governmental activity. It would increase the risk of domestic turmoil in the eastern province of Saudi Arabia and might eventually cause a loss of confidence amongst all Saudis in the present regime.

On the otherhand Saudi Arabia may benefit from the war, especially if it is protracted. Saudi influence on Iraq would become greater, just as Saudi influence in the whole

Arab world would rise. The absence of Iraqi and Iranian oil on the world market would allow Saudi Arabia to become even more influential in OPEC and OAPEC. Additionally, the threat of decreased Saudi production might be used as a lever against the West, particularly the U.S.; to tilt the balance of power in favor of the Arab cause in Palestine.

As the military power of Saddam Hussein was diminished by a protracted war, Saudi Arabia would have less to fear from Iraqi military pressure after the war, just as it would affect Hussein's ability to take the lead in the Arab world and become the Great Arab Father.

E. SYRIA

Syria, the Arab world's other Ba'athist republic, followed the general line of all Arab states and welcomed the ouster of the Shah and the Islamic revolution in Iran.²⁶ But Syria, unlike most other Arab states has consistently been supportive of Khomeini even to the point of backing Iran in the war.

It cannot be overlooked that President Assad and most of the Syrian elite are Alawites, a Shiite sect,²⁷ however this is felt to be only a tertiary reason, if it can be said to be a reason at all, for Syria's ongoing support of Iran.

More probably Syria's support for Iran can be seen as a backlash resulting from the failed attempt at unity between Syria and Iraq.

As a result of the general unity of the Arab Nation following the Baghdad Summit of November, 1978, Syria and Iraq began

to move toward unity between the two countries and the two wings of the Ba'ath Party. Announcing a mutual defense pact in January, 1979, President Assad and Bakr met in Baghdad in June 1979 to chart out a program for merging the two wings of the party.²⁸

The step down of President Bakr from the presidency of Iraw in July, 1979 was the first signal that there were problems in unification. Bakr stepped down or was forced to step down after a coup attempt by Adnan Hussein was uncovered. A number of theories concerning the coup were brought forth but it soon became clear that "it was an attempt to topple the regime, to proclaim unity between Iraq and Syria, and to appoint President Assad at the head of the unified state and party."²⁹ The leader Adnan Hussein, Iraqi Industry Minister was reportedly personally in contact with Assad.³⁰

Initially, Saddam Hussein refused to publically accuse Syria, but the chance for unification was over and relations between the two countries worsened. Syria moved closer to Iran, with visits between top governmental officials and official Syrian statements lauding the Iranian revolutionary program³¹ and criticizing Iraq for its claims on the three Gulf Islands.³²

Damascus accused Iraq of directly providing military support for the vowed enemies of the Syrian state (i.e., the Muslim Brotherhood) and of being involved in the June, 1980 assassination attempt on President Assad.³³ On August 16, 1980 Iraqi police and a battery of newsmen stormed the Syrian

Embassy in Baghdad and uncovered a large weapons and explosives cache.³⁴ Iraqi authorities claimed that the cache was to be used in another coup attempt while the Syrian Chargé claimed that the Iraqi police had planted the cache in the Embassy.³⁵

Syrian diplomats were expelled from Iraq shortly thereafter, and Syria answered in kind, severing diplomatic relations with the two countries.

While Syria has offered Iran a great deal of rhetorical support in its war with Iraw there is little incidence that the support has been anything more than talk. Syria has its own problems with an active Muslim Brotherhood organization in its country, and with Lebanon which drains both military and economic resources from the home front. Syria is not in a position at this time to offer Iran anything more substantial in the way of assistance.

However an Iraqi victory in the war holds grave danger for Assad's Syria. Iraq would then be the leader of the Arab world and would certainly bring pressure, maybe in the form of military invasion, to Syria. Iraq would no longer need to depend on the oil pipelines which provide Syria with cash from rental fees. And it was most probably this fear of Iraq which, along with its fear of Israel, caused Syria to enter into a Treaty of Friendship and Cooperation with the Soviet Union in October, 1980.³⁶ These same considerations must have also been influential in Assad's decision to join Libya in a merger plan.³⁷

A victory by Iran would make Syria the most powerful Arab military state in the Middle East. This would also allow Assad to concentrate on Lebanon and his internal problems while not having to look over his shoulder toward Brother Saddam. It would also allow Syria to attempt rapproachment with the more conservative, mainstream Arab states whose support and cash is vitally needed in the ongoing conflict in Lebanon against Israel.

A protracted war, which simultaneously bled Saddam Hussein's military machine and kept him occupied in the east, would also aid Assad in settling his internal disputes and concentrating on Lebanon.

F. JORDAN

Even though King Husayn of Jordan and Shah Mohammed Reza Pahlavi of Iran were great friends and mutual supporters while the Shah ruled Iran, Iran had little to do with Jordan's decision to support Saddam Hussein's Iraq in the war with Iran. Neither did the Sunni-Shi'a question, or rather fear of a Shiite revolution in Jordan, affect King Husayn, for his country is overwhelmingly Sunni. In the same vein, the contest for leadership in the Arab Nation appears to have had little effect on the King's supportive stance toward Iraq. While there is no denying that King Hussein is afflicted with a typical Arab state leader's egotism, there is not enough supportive evidence that Husayn means to parley his position on the war into a play to become the next Nasser. The same

cannot be said in relation to the King's reaction to, and position on, the Camp David accords.³⁸

Rather it seems that Jordan has reacted to Khomeini's revolution on ideological grounds and to a larger extent to situational factors in the Arab world. Since the fall of the Shah in January, 1980, Jordan has not hidden its disapproval of revolutionary anti-monarchist Iran. While the fervor of the revolutionary Shiite movement in Iran seems to hold little danger for the King on religious grounds, the anti-monarchical nature of the philosophy which Khomeini seeks to support is troublesome. Husayn views this brand of revolutionary Islam as an ideological enemy, a potential threat to Jordan itself and to its traditional Saudi Arabian and Gulf State allies.³⁹ In addition to opposition on ideological lines, Jordan's relations with Iraq, which have been considerably strengthened in recent years, is a factor. In regional terms, Iraq is a wealthy and powerful state and Jordan has every reason to want to cultivate a favorable relationship with its economically and politically powerful neighbor to the east. Jordan's relations with Iraq have improved significantly since the November, 1978 Baghdad Summit. Since that time, Jordan has received large amounts of Iraqi aid, designed primarily to provide the Hashemite Kingdom with the necessary financial backing to enable King Husayn to withstand pressures to join the Camp David process.⁴⁰

The collapse of the attempted Syrian-Iraqi rapprochement and the December, 1980 Soviet invasion of Afghanistan, which

further aroused existing Iraqi apprehension with Soviet moves in the Middle East periphery, combined to make Jordan an attractive and increasingly necessary ally for Iraq. With enemies to its east and west (Syria and Iran respectively), it is not surprising that Iraq was interested in Jordan's friendship. Jordan has an army of significant strength in regional terms, a stable and basically pro-Western regime also concerned about the menacing posture of the Soviet Union. Additionally, because of the war in the Shatt-al-Arab, Iraq needed access to a port other than its own to keep its supply line to the outside world open and King Husayn was only too happy to continue Iraq's access to his port of Aqaba.

On the other hand, Jordan's deteriorating relations with Syria to the north and the constant danger of Israel to the west combined to make an Iraqi-Jordanian rapprochement mutually beneficial. The internal weakness of the Assad regime has made Syria in comparison to Iraq, a less attractive partner for Jordan. Moreover since Syria's recent move toward the Soviet Union, Syrian policies have become less and less attractive to pro-West Jordan. Jordan's position on the Muslim Brotherhood and its attempts to overthrow the regime of President Assad led to increasing tension between the two countries. In October, 1980 Syria massed some of its forces on the Jordanian border, and Jordan answered in kind by mobilizing its army in preparation for any Syrian attack.⁴¹ Syria accused Jordan, Saudi Arabia, and Iraq of funneling weapons to the Moslem Brotherhood in Syria and of offering

sanctuary to the Brotherhood inside the respective countries.⁴² So it would seem that Jordan has opted to support Iraq for reasons of its own economic well being (i.e., to keep the assistance flowing from Iraq and Saudi Arabia) and for its own national security interests (i.e., using the threat of Iraqi military assistance to keep both Syria and Israel at bay).

An Iraqi victory would enhance Jordan's economic interests and security interests in the short run, for the King would be able to cash in the markers of good will he has built up with Iraq. In the long run, however, King Husayn may not be able to keep Saddam Hussein's pan-Arab goals in check without seeking another backer and benefactor.

An Iranian victory would place Jordan in a difficult position since it would mean the loss of Iraqi guaranteed insurance in the face of the King's other enemies. The King would be in an especially dangerous position if the Lebanon situation were settled since Syria could then concentrate all its military forces on pressuring Jordan.

G. KUWAIT

The war between Iran and Iraq holds considerable danger for the Kingdom of Kuwait both from internal and external forces. Kuwait sits at the mouth of the Shatt-al-Arab and is extraordinarily vulnerable to attack from either Iraq or Iran. Additionally about 25 percent of Kuwaiti citizens adhere to the Shī'a sect of Islam and that according to its

1980 census, Kuwaiti nationals make up only 41 percent of the country's population.⁴³

Kuwait is ruled by a monarchical family (the al-Sabah family), just as are the other small Arab states in the Gulf, and because of this is less than happy with the overthrow of the Shah and the monarchical form of government in Iran. Early on Kuwait realized the danger of Khomeini's avowed intention to export the Islamic revolution and to topple the Gulf sheiks and kings from power. So much so that Kuwait sought to defuse the opportunity for Shī'a unrest and in September, 1979 deported Ayatollah Khomeini's man in Kuwait, Hojatoleslam Sayyed Abbas al-Mohri, his son and supporters to Iran, even though they were Kuwaiti citizens.⁴⁴ Nevertheless in November, 1979, Shiite Kuwaitis marched on the U.S. Embassy in support of the Iranian student takeover of Teheran's U.S. Embassy, and the policies of Ayatollah Khomeini. Kuwait also was concerned by the Shī'a uprisings in the eastern province of Saudi Arabia, and the large and bloody riots in support of Khomeini which periodically took place on the neighboring, and monarchically ruled, island of Bahrain.

Kuwait also confiscated the passports of several prominent Kuwaitis, Khalid Khalof, a former member of parliament, and Dr. Hamod Nusayr, a former deputy oil minister, for participating in Shiite activities.⁴⁵

Early on in the war the Kuwaiti press came out in support of Iraq in the war, linking an Iraqi victory to an Arab victory and opining that the war would "determine the entire

future of the Arab nation and the future of the whole Arab homeland."⁴⁶

Kuwait is a wealthy oil rich nation and the war has threatened its ability to both produce its oil (by the Iranian air attacks on the Kuwaiti border) and to market its oil (for fear of a closure of the Strait of Hormuz). As wealthy as Kuwait is, it is practically unable to defend itself against any outside power because of its geographical vulnerability and because of the miniscule size of its population in relation to any of its neighboring states. So Kuwait sought to guarantee its security by casting its lot with Iraq and to ingratiate itself to the Arab world by taking the position that the war was a war which threatened the entire Arab world. Vulnerable to overthrow from an Islamic revolution from within, and certainly no match for even the depleted Iranian military machine, Kuwait opted to place itself under the Iraqi umbrella of protection. Kuwait, as did all the Arab states attending the November, 1980 Arab Summit, endorsed a resolution supporting the lawful rights of Iraq in regard to Iran.

However, Kuwait is also very aware of the longstanding claim by Iraq on the entire area of Kuwait. A year after the time of Iraqi independence, King Ghazi called for the annexation of Iraq, and the claim has been ongoing, erupting in a low level border war in 1973 and followed by three Iraqi border incursions over the next four years.⁴⁷ The

dispute was settled during bilateral discussions in 1977 and 1978, but Kuwait must be wary of Iraq's intentions, since the war with Iran is publically over a border dispute supposedly settled by treaty in 1975.

A victory in the current war by Iran would leave Kuwait open to danger from its own Shiite minority on the internal scene, with almost guaranteed support for Islamic fundamentalists coming from Iran. Kuwait is so militarily powerless that Iran would be able to dictate its will to Kuwait, as it would to the other Gulf states, unless Kuwait could find another military protector in the area. But a loss by Iraq would remove the only military force in the area capable of balancing Iran's power and aims, at least for a while.

An Iraqi victory would benefit Kuwait, at least in the short run, for it would remove both the internal and external dangers which Iran poses to Kuwait. A victorious Iraq however would soon most probably be a threat to Kuwait at first by dominating the area and the Arab nation and eventually through direct military action on its longstanding claim to Kuwait.

The best result for the national security interests of the government of Kuwait would be a long protracted conflict during which both Iraq and Iran would bleed themselves white, allowing Saudi Arabia to take up the gauntlet as the Gulf region's protector and most powerful state.

H. LIBYA

That Libya, an Arab state, in fact because of its leader Colonel Qaddafi, the most vocal Arab state in support of the Arab Nation, should support the Persian state of Iran in its war against Arab Iraq at first might seem a total misnomer. It was Libya who in 1971 broke diplomatic relations with Great Britain and nationalized British Petroleum in retaliation for Britain's alleged deal with the Shah which allowed Iran to occupy the Gulf Islands. Furthermore Qaddafi has been implicated in the death of Imam Musa al-Sadr, a Lebanese Shiite and ally of Ayatollah Khomeini in late August, 1980. However an examination of the forces and factors which influence the Libyan leader bring some rationality to a possibly irrational stance.

Of all Arab leaders Qaddafi is probably the one with least to worry about as far as domestic challenges are concerned. Although he has occasionally had to put down minor revolts within the ranks of the army, Qaddafi is well in control and generally seems to enjoy a modicum of support from the Libyan people. Enormous wealth from oil revenues has found its way to the lower classes acting as an opiate, combined with a ruthless policy of suppression by violence against any dissidents inside or outside Libya have allowed Qaddafi to remain securely on the throne of political supremacy since his takeover in 1969.

Of all Arab political leaders Qaddafi is the one least accepted by his peers. This is due to perceived irrationality

of action by Qaddafi of other Arab leaders. The pan-Arab actions and orations of other Arabs pale in significance when matched against Qaddafi's. The colonel is convinced that he is Nasser's successor and that only he can unit the Arab Nation. In fact in no Arab state since Nasser's Egypt has one man become so visibly the Nation. It is no coincidence that Qaddafi has frequently alluded to his dream of becoming the new Nasser of the Arab world. It was reported in 1980 that he had attempted to buy the tomb of Nasser for \$500 million in order to move it to Tripoli and turn it into an Arab shrine.⁴⁸

It is this dream of Qaddafi that is the most prominent feature in explaining his opposition to Iraq in the war. It is merely a personality conflict between two Arab rulers who each see themselves as the "Great Arab Father" and leader of the Arab Nation, Moammar Qaddafi and Saddam Huseein. Qaddafi had no other choice but to oppose Iraq or he would have vacated his claim to Arab leadership and be required to follow the dictates of Saddam Hussein on Arab issues. Nasser's successor could not do that.

A secondary, though important factor for Libya's support of Iraq, is Libya's relations with the conservative Arab states. Again this issue revolves directly around the grating personality and contradictory proclamations of Qaddafi.

In March, 1973 Qaddafi said, "the Quran provided solutions for all problems and concepts. The Quran transcends place and time. It is for this reason that we say no matter how

much the world develops, it cannot infringe upon the Quran or ascribe inadequacies to it."⁴⁹ However in June, 1978 Qaddafi proclaimed, "The Quran does not address the problems that we deal with in governing society. The Quran is one text and one book."⁵⁰ These pronouncements did not endear him to the conservative Muslim states.

Strangely enough, but with perfectly rational irrationality Qaddafi also said, "the fact that the leader of Iran has adopted the cause of the Islamic Revolution is a great thing, but we must understand that Islam is the religion of the Arabs. Islam was sent to the Arab Nation."⁵¹ So even in opposition to the mainstream of Arab thought, Qaddafi tries to hold on to his Arab Islamic credentials.

Qaddafi's "Green Book" establishes the people's authority and sets up the "age of the masses" through revolutionary committees which are designed to destroy imported interpretations and reactionary ideas and to prevent fascist personality cults. Yet he in effect legitimizes these revolutionary committees by force of his own personality cult when he says, "these committees (revolutionary committees) represent me personally."⁵²

Qaddafi also struck another blow at Islam and incurred the wrath of the conservative Arab states and the ulema when he said, "If anyone wants to challenge the revolution, we will most certainly attack and destroy his position even if it were a mosque."⁵³

Probably the only consistent area of Qaddafi's policy in regards to the Arab world has been his long and unyielding support of the Palestinians, and it was because of this support that Qaddafi was tolerated by the conservative Arab states. However Libya's support of non-Arab Iran and his condemnation of Saudi Arabia for defiling the Holy Places by allegedly placing them under American control (i.e., allow USAF AWACS aircraft in the country) were the proverbial straws which infuriated the conservative Arab states and brought about the break with Saudi Arabia in October, 1980. Saudi Arabia has been generally reluctant to publically criticize other Arab states or leaders but considered Qaddafi's attack so outrageous that it accused him of plotting to undermine Arab nationalism, of being an atheist and worst of all, being the son of a Jewish mother.⁵⁴

Libya's attempt at merger with Iran's other ally would seem to have little if any meaning, since it is a standard modus operandi of Qaddafi to attempt to affect union with Arab states in the cause of the Arab Nation only to have the idea quietly disappear from view after a short time.

It does not appear that a victory in the war between Iraq and Iran on either side will have any effect on the fortunes of Libya, for Qaddafi it seems has this time broken all the rules of Arab statesmanship. Whether the conservative Arab states will actively seek his overthrow remains to be seen, but there appears to be only one country able to

bring this neo-Nasser and his country back into the Arab fold and that country is Israel.

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V. IMPACT OF THE POSSIBLE OUTCOMES OF THE WAR
ON THE U.S. AND U.S.S.R.

No examination of the Iraq-Iran War would be complete without a discussion of the impact on the two superpowers, the U.S. and U.S.S.R. and the potential opportunities offered to both.

In the event of a continued protracted conflict or stalemate, the Soviet Union will most probably continue its criticism of the U.S. attempting to halt or minimize any coordinated action by the West in the Gulf. The Soviets would most probably seek to fulfill two goals: (1) to assume a fundamental role in dominating access to the oil lines of communication from the Gulf; (2) and to continue to work to attempt to negate the effect of U.S. forward-basing in the area. The Soviets could also supply arms to both sides hoping to retain the good will of each government and an inroad for possible future condominiums, but any supply of arms will be covertly undertaken for fear of antagonizing the other side and its allies.

A protracted conflict might further split the Arab states and allow the U.S. to increase pressure on some states to support the Camp David Accords. Additionally a weakened Iraq would leave a state friendly to the U.S., Saudi Arabia, in a dominant position amongst the Arab states. However a protracted war also holds the danger of spreading to neighboring oil producing states and restricting the flow of oil to the

West, and forcing U.S. involvement to keep the oil flowing risking the chance of a superpower showdown.

In the case of an Iraqi victory, the Soviet Union would attempt to move quickly to keep its ties with Iraq on good footing, since most probably Iraq would then be the uncontested leader in the Arab world. The U.S.S.R. would also seek to economically assist Iran in the hopes that it would be able to increase its influence in Iran in the future. If an Iraqi victory brought upon the disintegration of Iran could be disposed to support pro-Soviet groups within Iran or even might seek to engineer an Afghanistan-style coup and intervention.

A victorious Iraq, as new leader of the Arab world, would most probably doom any hope of the Camp David Peace process from spreading to other Arab states. Furthermore the clamor from Israel for more arms would reach a new high as Iraq's victorious military machine turned its eyes westward. However the recent apparent moderation of Saddam Hussein and his tilt toward the West could offer the U.S. new opportunities to wean Iraq away from the Soviet Union and bring it fully into the discussion of the Arab-Israeli issue as a rational actor.

Iran mindful of the lumbering Soviet bear on its northern border might also be better disposed due to its weakened condition to reach some sort of accommodation with the U.S., particularly if Bani-Sadr and his kind were able to consolidate political power.

In the unlikely event of an Iranian victory the Soviet Union might expect Khomeini and his Islamic fundamentalists to continue to seek to export their style of revolution to the surrounding Gulf States. This could ultimately bring about the fall of the governments of some conservative Arab states, an outcome, especially if it occurred in Saudi Arabia, that would be a serious setback for the United States. However, the Islamic revolution is also anti-communist and Iran could also seek to export its revolution to the large Moslem minorities in the southern U.S.S.R. and Islamic Afghanistan.

For the U.S. an Iranian victory could see Saudi Arabia emerge as the leader of the Arab states and might presage a more rational approach by Arab states to the problems of the Middle East. An Iran trying to export its revolution could also draw more Arab states closer to the U.S., including Iraq. The ruling regime in Iran would be in a better domestic position and stability on the homefront would increase. Iran would undoubtedly remain very anti-U.S., but increased stability at home would lessen the danger of any Soviet military adventurism in Iran and therefore lessen the chance of a superpower showdown.

VI. CONCLUSION

Just as the Shatt-al-Arab and Gulf Islands disputes were only the convenient incidents espoused for the cause of the Iraq-Iran War, so too the Shatt-al-Arab and the Gulf Islands played little if any role in the reaction of Arab states, specifically the choice of which side to support.

Just as the Sunni-Shī'a conflict, the personal feud between Saddam Hussein and Ayatollah Kheomeini, Iraq's quest for leadership of the Arab Nation, and Iran's quest for leadership of the Islamic world were the real causes of the war, so too were these factors, combined with the interne-cine rivalry between Arab leaders, the real causes for the decision of Arab states to support Iraq or Iran. And it is those same factors which will undoubtedly continue to influence the interaction of Arab states throughout the next decade at least.

Saudi Arabia's support for Iraq is due to fears for its own internal security, the continuation of the monarchy, and the spread of Islamic revolution not only to its eastern, heavily Shiite populated province but to its people in general as well. Saudi Arabia needs strong allies because it is a relatively militarily weak state. But just as England was in the 17th, 18th, and 19th centuries in Europe, Saudi Arabia does not wish to have the Middle East and particularly the Persian Gulf area under the domination of any single country,

be it Jewish, Persian, or Arab. Saudi Arabia will publically play the Arab Nation game but it will move behind the scenes to ensure its freedom and survival by using its only asset, petro dollars, to buy friends and buy off enemies.

Syria, on the other hand, a public ally of Iran, has chosen its course out of fear of Iraq and to some extent Saudi influence. Syria is in a difficult position literally surrounded by unfriendly states and in severe turmoil from within, while at the same time occupying Lebanon and fighting an undeclared war with Isarel. Foolishly Syria became involved in, or let itself be put into a position where it seemed it was involved in a plotted coup against Iraq. It was then just a matter of time before Saudi Arabia and Jordan would back the more powerful protector of their own security, Iraq, and further threaten Syria. So Syria took itself out of the Arab mainstream, joined the Arab pariah Qaddafi and sought to insure its own security by virtue of a Treaty of Friendship and Cooperation with the U.S.S.R. The ideological Ba'athist dispute with Iraq over leadership of the Resurrection Party and the personal hatred between Assad and Saddam Hussein also led Syria to its present state but they are now secondary as Syria tries to survive. If Syria and Assad are to survive, it will only be a matter of time before those two factors come to dominate Syrian and Iraqi relations.

Jordan also chose sides in the war with its own national security interests driving the situation. Saudi Arabia and Iraq pay the bill for King Husayn and he could not last long

against Israel or Syria were it not for Saudi dollars and Iraqi dollars and military capabilities.

Kuwait is typical of the Arab Gulf states insofar as its ability to defend itself is concerned. It has a front row seat on the stage of the war at times even feeling the heat of battle. In order to survive Kuwait has opted to support the lesser of two immediate threats to its physical and economic existence, Iraq. But Kuwait knows that in the event of the end of the war, most especially if it spells victory for Iraq, it will only be a matter of time before the leader of the Arab Nation, Saddam Hussein looks south to its little oil rich neighbor and drags out Iraq's longstanding claim to the territory of Kuwait.

Libyan support for Iran is driven solely by the personal ambitions of its messianic ruler, Moammar Qaddafi. Iraq, in the personage of Saddam Hussein, is a direct affront to Qaddafi's dream of universal Arab acceptance as a latter-day Nasser. In alienating the conservative Arab states, Qaddafi has, however, made a greivous error from which he will almost certainly not be able to recover, no matter what the outcome of the war.

The war itself seems destined to go on for sometime to come since neither side is willing to give in to the demands of the other. Saddam Hussein is vulnerable if he cannot keep the homefront satisfied and comfortable. He seems content at present to sit and wait until the death of Ayatollah Khomeini fragments Iran and he can further consolidate his goals in Arabistan.

Iran, on the other hand, cannot wait, for Khomeini's death will almost certainly cause the country to self-destruct. The Arab states will watch Iran closely for fear of a civil war that might bring the Tudeh (communist) Party to power and give the Soviet Union a further opportunity on the "arc of crisis."

It seems that there has been a new Arab Alliance formed by the Iraqi-Iranian War, an alliance that has split the solidarity of the Arab Nation which seemed so concrete after the 1978 Baghdad Summit. It might appear the new alliance is formed along East-West lines, on Pan-Arab lines, or along personal lines of hatred amongst the elite. Certainly the war has tested the mettle of the Arab Nation, has made the Arab reevaluate his position within the Islamic world, and has seriously muddied the waters for future Arab cooperation.

But the factors that have caused this new alliance to come into being are as unpredictable as the sands of the desert, and in time the sands will shift again in the direction of the then prevailing winds to alter the situation. Arab alliances are not made for ideological commitments to the larger Arab Nation, nor are they made for Islamic reasons. They are made for fear of losing power, in order to maintain accumulated power, and in order to acquire new power. Ideological, religious, and ethnic factors are nothing more than convenient baggage used to justify moves to assist the national security objectives of any state. Churchill's words were meant for

Europe especially England, but are just as correct when applied to the Arab Nation, "There are no permanent alliances, only permanent interests."

Hence there is only one real winner in this war which has split the Arab Nation. As long as they quarrel amongst themselves and build up barriers between Arab states, only Israel stands to prosper. It is to Israel's benefit to have the Arab states occupied quarreling amongst themselves and using their resources to fight Iran. In fact it is only Israel which can make the Arab Nation work as a unit, it is only Israel which can engender enough emotion and hatred to make Arabs forget their differences and unify about a common cause.

Figure 1. Factors Affecting the Reaction of Arab States

	Saudi Arabia	Syria	Jordan	Kuwait	Libya
Sunni ruled	+		+	+	
Shia ruled		+			
Sunni minority					
Shia minority	+			+	
Monarchy	+		+	+	
Nasser-like leader		-			-
Leader's rela- tions with Saddam Hussein	+	-	+		-
Need for protec- tive ally	+	-	+	+	
Conservative state	+		+	+	
Radical state		-			-
Fear of Iranian Islamic Revolu- tion	+			+	
Proximity to Iraq	-	-		-	
Proximity to Iran	+			+	
Fear of Saddam Hussein's Higimouistic Goals	-	-		-	-

+ = factor for support of Iraq
 - = factor for support of Iran

APPENDIX A

IRAN-IRAQ: TREATY ON INTERNATIONAL BORDERS AND GOOD NEIGHBORLY RELATIONS [Baghdad, June 13, 1975]

Following is the full text of the International Border and Good Neighborly Relations Treaty concluded between Iraq and Iran.

The President of the Republic of Iraq and His Imperial Majesty the Shahinshah of Iran, in view of the sincere willingness of the two parties expressed in the Algiers agreement of March 6, 1975, to reach an ultimate and permanent settlement of all outstanding questions between the two countries;

And in view of the fact that the two parties have conducted a final redemarcation of their land borders on the basis of the Constantinople protocol of 1913 and the minutes of the Border Demarcation Commission's Sessions of 1914 and have demarcated their river borders in accordance with Thalweg line; and in view of their willingness to restore security and mutual confidence along their joint borders;

And in view of the historical, religious, cultural and neighborly relations between the peoples of Iraq and Iran;

And proceeding from their desire to consolidate the relationships of friendship and good neighborliness, promote their relations in the economic and cultural fields and enhance the ties between their peoples to a better standard of the principles of territorial security, border sovereignty and non-interference in the internal affairs of each other;

And in view of their determination to establish a new era of friendly relations between Iraq and Iran on the basis of full respect for national independence and equality in national sovereignty and proceeding from their behalf in the mutual implementation of the principles and realization of the objectives and purposes provided for in the United Nations Charter;

Have resolve to conclude this treaty and authorize their commissioned representatives.

President of the Republic of Iraq...

His Excellency Saadoun Hammadi, the Foreign Minister of Iraq;

His Imperial Majesty the Shahinshah of Iran...

His Excellency Abgas Ali Khalatbari, the Foreign Minister of Iran.

Who, after exchanging instruments of their full authorization, which they have found authentic and consistent with governing principles, have agreed to the following provisions:

ARTICLE ONE

The two supreme contracting parties confirmed that the international land borders between Iraq and Iran are those which have been re-demarcated in accordance with the principles and pursuant to the provisions of protocol for the re-demarcation of land borders and supplements thereto, appended with this treaty.

ARTICLE TWO

The two supreme contracting parties confirmed that the international borders in Shatul-Arab are those demarcated in accordance with the principles and pursuant to the provisions of protocol for the demarcation of river borders and supplements thereto, appended with this treaty

ARTICLE THREE

The two supreme contracting parties undertake to practice along the borders in general a firm and effective control for the purpose of stopping all penetrations of subversive nature, wherever they may emanate, on the principles and pursuant to the provisions of protocol on border security appended with this treaty.

ARTICLE FOUR

The two supreme contracting parties confirm that provisions of the three protocols and their appendices mentioned in articles 1, 2 and 3 hereof, supplementary thereto, which constitute an inseparable part thereof, are final and permanent provisions, irrevocable for whatever reason and shall represent undivisible elements for a comprehensive settlement, and consequently any encroachment upon any element of such comprehensive settlement is contradictory in principle to the essence of Algiers agreement.

ARTICLE FIVE

Within the context of non-encroachment on borders and the strict respect for the safety of national territories of both states, the two supreme contracting parties confirmed that the line of their territorial and water borders is unencroachable, permanent and final.

ARTICLE SIX

1. In the event of any dispute arising pertaining to the interpretation or implementation of this agreement, the three protocols and appendices, such dispute shall be resolved within the framework of strict respect for the Iraqi-Iranian border line specified in the Articles 1 and 2 above, and within the

Articles 1 and 2 above, and within the context of safeguarding Iraqi-Iranian border security pursuant to Article 3 above.

2. Such dispute shall be resolved by the two supreme contracting parties, in the first stage, through direct bilateral negotiations within a period of two months, effective from the date of an application by any party.

3. In the case of non-agreement, the two supreme contracting parties shall, within a period of three months, seek the good offices of a third friendly state.

4. In the case that any of the two parties declines to utilize the good offices, or in the case that their arrangements prove ineffective, the dispute shall be resolved by means of arbitration within a period not exceeding one month, effective from the date of rejection or failure.

5. In the case of non-agreement between the two supreme contracting parties on arbitration procedures, any of the supreme contracting parties shall have the rights, within 15 days effective from the date of non-agreement, to resort to an arbitration tribunal. For the purpose of forming an arbitration tribunal to resolve each dispute, each of the two supreme contracting parties may appoint one of its subjects as an arbitrator, and the two arbitrators shall nominate an umpire. In the case of failure on the parts of the two supreme contracting parties to appoint their respective arbitrators within a period of one month, effective from the date of delivery by any party of a notice from the other, demanding arbitration, or in the case that the two arbitrators fail to reach agreement on the nomination of the umpire, prior to the elapse of the said period, the supreme contracting party which has demanded arbitration shall have the right to call upon the chairman of the International Court of Justice to appoint the arbitrators or the umpire in accordance with the procedures of the Permanent Court of Arbitration.

6. Decisions by the Permanent court of arbitration shall be binding and implementable by both supreme contracting parties.

7. The two supreme contracting parties shall equally share arbitration expenses.

ARTICLE SEVEN

This treaty and the three protocols appended therewith shall be registered in accordance with Article 102 of the UN Charter.

ARTICLE EIGHT

Each of the two supreme contracting parties shall ratify this treaty and the three protocols appended therewith in accordance with its internal law.

This treaty and the three protocols appended therewith shall become effective as of the exchanging instruments of ratification, due to take place in the city of Teheran.

Pursuant thereupon, the two authorized commissioners, deputized by the two supreme contracting parties, have signed this treaty and the three protocols appended therewith.

Written at Baghdad on the 13th Day of June 1975.

Abbas Ali Khalatbari
Foreign Minister of Iran

Saadoun Hammadi
Foreign Minister of Iraq

The treaty and the three protocols appended therewith have been endorsed in the presence of His Excellency Abdul Aziz Bouteflika member and Foreign Minister of Algeria.

Following is the text of the Protocol on Border Security between Iraq and Iran.

Pursuant to the resolution of Algiers Agreement of March 6th 1975, and proceeding from the keenness to consolidate security and mutual confidence along joint border.

Proceeding from their determination to exercise an effective control along borders to cease all infiltrations of subversive nature and to establish a close cooperation between them, with a view to preventing any infiltration or illegal passage through the common borders, with purpose of subversion, revolution or mutiny;

With reference to Teheran protocol dated March 15, minutes of the Foreign Ministers meeting concluded in Baghdad on April 20, 1975, and minutes of the Foreign Ministers meeting concluded in Algiers on May 20, 1975.

The two contracting parties have agreed to the following provisions.

ARTICLE ONE

The two contracting parties shall exchange information related to the movement of subversive elements which penetrate into any of the countries with a view to limit acts of subversion, revolution or mutiny in that country.

The two contracting parties shall take appropriate measures in respect of the movements or elements referred to in Article One hereof.

Each shall notify the other immediately of the identity of such persons; it is agreed that they shall utilize all measures to prevent them from committing acts of subversion.

The same measures shall be adopted against the persons who gather in the territory of any contracting party with a view to committing acts of sabotage or subversion in the territory of the other party.

ARTICLE TWO

established between competent of both contracting parties shall be applicable in respect of border closure with the purpose of preventing the penetration of subversive elements, at the level of border authorities of both countries, through to the highest levels of Ministers of Defense, Foreign Affairs and Interior in each of the contracting parties.

ARTICLE THREE

Potential penetration inlets which may be conducted by the subversive elements have been specified in the following manner.

1. Northern borders area; from the juncture point of Iraqi/Turkish Iranian borders through Khanaqin-Qasr Sherin (inclusive--21 points)).

2. Southern borders area; From Khanaqin-Qasr Sherin (inclusive) through the Iraqi-Iranian borders--17 points.

3. The penetration points specified here above are detailed in the appendix [Note: Appendix is not reproduced.]

4. Inclusive with the points specified here above shall be any other penetration point to be discovered in the future, which should be closed and controlled.

5. All border passage points, except those currently assigned to customs authorities checkpoints, shall be subject to total passage embargo.

6. In view of the significance of developing versatile norms of relation between the two neighborly countries, the two contracting parties have agreed that in the future, in accordance with mutual agreement, other passage points be specified to be under customs authority control.

ARTICLE FOUR

1. The two contracting parties, undertake to assign necessary human and material facilities for effective border closure and

control against any penetration of subversive elements through the passage points specified in Article three above.

2. In the case that experts, due to experience acquired on the subject, consider that more effective measures should be adopted, means the shall be specified through monthly meetings of border authorities of both countries or through contacts made, when necessary, between such authorities.

Results of such meetings, together with their minutes shall be notified to supreme authorities in each party; in the case of dispute between border authorities, competent heads of departments, in Baghdad and Teheran, shall meet to reach entente and the results of such meetings shall be listed in special minutes.

ARTICLE FIVE

1. Arrested saboteurs shall be handed over to the authorities concerned of the party in the territory of which they are arrested, and shall be subject to the legislations in effect therein.

2. The two contracting parties shall notify each other of the measures adopted in respect of the persons referred to in para 1 hereof.

3. In the case of border crossing by wanted saboteurs the authorities of the other party shall be notified, which shall take all necessary measures to help arrest the persons mentioned above.

ARTICLE SIX

When necessary, by agreement between the two contracting parties, embargo areas maybe specified with a view to preventing saboteurs from attaining their ends.

ARTICLE SEVEN

For the purpose of establishing and developing useful cooperation between the two parties, a permanent joint committee consisting of heads of border administrations and representatives of the Foreign Ministries of both parties shall be set up. The committee shall hold two annual meetings at the beginning and middle of each calendar year.

However, at the request of any party, extraordinary meetings may be held to consider the most appropriate utilization of moral and material facilities for the border closure and control and for the effective and good implementation of basic provisions of cooperation stipulated in this protocol.

ARTICLE EIGHT

Provisions of this protocol pertaining to the closure and control of borders shall not affect special agreements between Iraq and Iran related to grazing rights and border commission.

ARTICLE NINE

For the purpose of safeguarding the security of joint water borders in Shatt-ul-Arab and precluding the penetration of subversive elements from both parties the two contracting parties shall adopt effective measures, notably by establishing check-points equipped with patrol boats.

Written at Baghdad on the 13th of June 1975.

Saadoun Hammadi
Foreign Minister of Iraq

Abbas Ali Khalatbari
Foreign Minister of Iran

This protocol was endorsed in the presence of His Excellency Abdul Aziz Bouteflika, RCC Member and Foreign Minister of Algeria.

The following is the text of the re-demarcation of land border protocols between Iraq and Iran;

In accordance to what was agreed upon in the Algiers communique dated March 6, 1975 the two contracting parties agreed upon the following provisions:

ARTICLE ONE

The two contracting parties confirm and realize that the redemarcation of international borders between Iraq and Iran has been conducted on land by the joint Iraqi-Iranian Algerian Committee on the basis of the following:

1. The Constantinople Protocol of 1913 and the minutes of the Turkish Persian Border Demarcation Commission of 1914;
2. Teheran Protocol dated March 17, 1975;
3. Minutes of Foreign Minister's meeting concluded in Baghdad on April 20, 1975, which approved, inter alia, the minutes of the Committee entrusted with the redemarcation of land borders concluded in Teheran on March 30, 1975;
4. Minutes of the Foreign Minister's meeting concluded in Algiers on May 20, 1975;

5. Descriptive minutes of the demarcation of land borders between Iraq and Iran written by the Committee entrusted with the demarcation of land borders dated June 13, 1975. These minutes constitute Appendix No. 1 to this protocol. [Note: A-pendices are not reproduced.]

6. Maps scale 1/50000, on which territorial border line is demarcated together with the locations of old and new cross-lines. These maps make up Appendix No. 2 which is an inseparable part of this protocol. [Note: Appendices are not reproduced.]

7. Description cards of old and new crosspoints.

8. Document related to projection lines of border pegs.

9. Aerial photographs of Iraqi-Iranian border surroundings with the locations of old and new peg points.

B. The two parties undertake to finalize demarcation of border points between peg points fourteen and fifteen within a period of two months.

C. The two contracting parties shall cooperate to produce aerial photographs related to Iraqi-Iranian territorial borders, to be used for the demarcation of border lines on maps; scale 1/25000, together with demarcation of peg positions, within a period not exceeding one year, effective May 20, 1975. This should cause no prejudice to the implementation of the treaty on which this protocol constitutes an inseparable part.

As a result of this, the descriptive minutes of territorial borders, mentioned in Para. 5 above, shall be amended.

Maps clarified in accordance with provisions of Para. C shall replace all presently available maps.

ARTICLE TWO

The international Iraqi-Iranian border shall follow the line specified in the descriptive minutes drawn on the maps mentioned in Para. 5 and 6, Article 1 above, with due consideration of provisions of Para. C of the said Article.

ARTICLE THREE

The border line defined in Articles 1 and 2 of this protocol shall also demarcate, in a vertical direction, the air space and underground of both countries.

ARTICLE FOUR

The two contracting parties shall set up a joint Iraqi-Iranian committee to settle the position of real estate property, buildings, technical installations, etc., whose title deeds will

change accordingly as a result of the re-demarcation of Iraqi-Iranian borders, in a spirit of good neighborliness and cooperation, by means of repurchase, compensation or any other satisfactory form, with a view to avoiding any source of dispute; the committee shall carry out such settlement of public property within a period of two months. As for claims related to private property, the committee shall submit, within a maximum period of two months, a report denoting that the position of such private property will be settled within the subsequent three-month period.

ARTICLE FIVE

1. A joint committee from the authorities of the two countries has been set up to survey border peg points and authenticate their positions.

Such survey shall be conducted annually in the month of September by the above mentioned committee in accordance with a time table to be drawn up thereby reasonably prior thereto.

2. Any of the two contracting parties may apply in writing to the other party for the conduct by the committee of an extra survey of the peg points; in such case the survey shall be commenced within a maximum period of 30 days from the application date.

3. The joint committee undertaking survey, shall write down minutes related thereof and submit them, duly endorsed thereby, to the competent authorities of both countries. The committee may decide to establish new peg points, when necessary, with the same specifications of present pegs provided that such action shall not be conducive to changing the course of the border line. In such case, the competent authorities of the two countries shall check the peg points and projection lines on relative maps and documents mentioned in Article 1 of this protocol.

These authorities shall place the above mentioned peg in their proper positions under supervision of the joint committee which shall write down minutes on the work concluded, to be submitted to the competent authorities in both countries for filing together with the documents specified in Article one of this protocol.

4. The two contracting parties shall jointly afford the cost of peg maintenance.

5. The joint committee shall replace pegs moved out of their places, rebuild destroyed or lost pegs in accordance with maps and documents mentioned in Article one of this protocol and adhere strictly not to change the position of pegs under

any circumstances. The joint committee shall, in such cases, write down minutes on the work concluded, to be submitted to competent authorities in both countries.

6. Competent authorities in both countries shall exchange information related to the condition of border pegs, with a view to securing the most appropriate means and techniques for their protection and maintenance.

7. The two contracting parties undertake to adopt all the necessary measures to protect the pegs and punish individuals who may commit the crime of moving them from their positions, destroy them or damage them.

ARTICLE SIX

The two contracting parties have agreed that provisions of this protocol, which have been concluded without any reservation, will organize them now on any border question between Iraq and Iran, and officially undertake to react accordingly to their mutual and final borders.

Written at Baghdad on the 13th of June, 1975.

Abbas Ali Khalatbari
Foreign Minister of Iran

Dr. Saadoun Hammade
Foreign Minister of Iraq

This treaty and the three protocols appended therewith have been endorsed in the presence of H.E. Abdul Aziz Doutefflika, RCC Member and Foreign Minister of Algeria.

Following the full text of the Protocol on the demarcation of Iraq-Iran Water Borders:

Pursuant to the agreement incorporated in Algiers Declaration dated March 6, 1975, the two contracting parties have agreed to the following provisions.

ARTICLE ONE

The two contracting parties confirm and realize that the demarcation of international water borders between Iraq and Iran has been conducted in accordance with Thalweg line by the Iraqi-Iranian-Algerian Committee on the basis of the following:

1. Teheran Protocol dated March 17, 1975.

2. Minutes of the Foreign Ministers meeting concluded in Baghdad on April 20, 1975, which approved, inter alia, the

minutes of the committee entrusted with the demarcation of water borders, concluded on board the Iraqi vessle Thawrah at Shatt-ul-Arab on April 16, 1975.

3. The joint water maps which, after checking on land, verification and transfer of geographical projection lines and border lines of 1975 thereof have been signed by specialized technicians on water affairs, affiliated with the joint technical committee and also by the heads of Iraqi, Iranian and Algerian delegates to the committee. The maps mentioned above enumerated hereunder have been appended to this Protocol and thus constitute an inseparable part thereof. [Note: Maps are not reproduced.]

Map No. 1: Shatt-ul-Arab inlet No. 3842, published by the British Admiralty.

Map No. 2: Internal Embankment through Point Keda No. 3843 published by the British Admiralty.

Map No. 3: Keda Point, through Abadan, No. 3844 published by the British Admiralty.

Map No. 4: Abadan through Um Taweela Island, No. 3845, published by the Biritsh Admirality.

ARTICLE TWO

1. The border line at Shatt-ul-Arab shall follow Thalweg Line, i.e. the medial line of the main channel, navigable when the water level is at its lowest navigation level, beginning from the point where territorial border line is projected at Shatt-ul-Arab, through to the sea.

2. The border line defined in the manner specified in Article one above shall vary in accordance with variables emanating from natural reasons in the navigable main channel of the river; the border line shall not vary according to other variables, unless the two contracting parties reach a special agreement in that connection.

3. The variables mentioned in Para (2) above shall be authenticated jointly by the competent technical bodies of both contracting parties.

4. In the case of any shift in the river's main channel or/and Shatt-ul-Arab basin, due to natural phenomena, with the resulting effect being represented in a change in the national title to the territory of each of the two countries, the im-movable property, buildings, technical installations or other, such border line shall continue to represent the Thalweg Line according to the provisions of Para (1) above.

5. Unless the two parties resolve by joint agreement that the border line should follow from now on the new stream, the

water stream shall, at the mutual expense of both parties, be restored to the line of 1975, depending thus on the demarcations on the four maps specified in Para (3) Article (1) hereof, if any party requests within the two years subsequent to the incidence of notice thereof by any party; meanwhile, the two parties maintain the right to navigation and utilization of water in the new main channel.

ARTICLE THREE

1. The water borders at Shatt-ul-Arab between Iraq and Iran, as defined in Article Two above have been demarcated in the line specified in the joint maps mentioned in Para (2) Article (1) above.

2. The two contracting parties have agreed to considering the end point of water borders as located on a straight line connecting between the ends of both shores on the Shatt-ul-Arab Basin at the lowest ebb level (water level gauged by astronomical measures). This straight line is drawn on the joint water maps mentioned in Para (3) Article (1) above.

ARTICLE FOUR

The border line defined in Articles One, Two and Three of this Protocol also defines, in a vertical direction, the air space and underground of both countries.

ARTICLE FIVE

The two contracting parties shall set up a joint Iraqi-Iranian committee to organize, within a period of two months, the position of real estate property, buildings, technical installations, and other, whose title deeds have changed as a result of Iraqi-Iranian water border demarcation, either by purchase, compensation, or any other appropriate manner to avoid any source of dispute.

ARTICLE SIX

In view of the finalization of survey works at Shatt-ul-Arab and the drawing up of the joint water map mentioned in para (3) Article (1) above, the two contracting parties have agreed to conduct a joint survey of Shatt-ul-Arab once every ten years, from the date of concluding this Protocol. Each party shall have the right to conduct, jointly, new surveys prior to the elapse of the ten-year period.

Both contracting parties shall equally share survey expenses.

ARTICLE SEVEN

1. Commercial, government and military vessels belonging to both contracting parties shall enjoy navigation freedom in

Shatt-ul-Arab, regardless of the line demarcating the territorial waters of each country in all parts of navigable channels situated within the territorial waters and leading to Shatt-ul-Arab main channel.

2. Vessels belonging to a third country and used for commercial purposes shall enjoy navigation freedom in Shatt-ul-Arab on equal footing and without discrimination, regardless of the line demarcating the territorial waters of both countries in all parts of the navigable channels situated in the territorial waters leading to Shatt-ul-Arab main channel.

3. Each of the contracting parties may permit entrance into Shatt-ul-Arab to foreign military vessels to visit its ports, provided that such vessels shall not belong to a country in a state of hostility or armed dispute or war with any of the contracting parties, and that the other party shall be notified beforehand, at least 72 hours prior, to such a visit.

4. The two contracting parties shall, under all circumstances, deny permission for entry into Shatt-ul-Arab to commercial vessels belonging to a state hostile, or in armed dispute or at war with any of the two parties.

ARTICLE EIGHT

1. Rules for navigation in Shatt-ul-Arab shall be defined by a joint Iraqi-Iranian committee in accordance with the principles of equitable navigation rights of both countries.

2. The two contracting parties shall set up a committee to draw up rules for the combat of, and control over, pollution.

3. The two contracting parties undertake to conclude subsequent agreements on a matters mentioned in Paras (1) and (2) hereof.

ARTICLE NINE

The two contracting parties realize that Shatt-ul-Arab is mainly an international navigation route; therefore, they undertake to refrain from any exploitation that might impede navigation in Shatt-ul-Arab and the territorial waters of each country in all parts of the navigable channels situated in the territorial waters and leading to Shatt-ul-Arab's main channel.

Written at Baghdad on the 13th of June, 1975.

Abbas Ali Khalatbari
Foreign Minister of Iran

Dr. Saadoun Hammadi
Foreign Minister of Iraq

This Treaty and the three Protocols and Appendices have been endorsed in the presence of H.E. Abdul Aziz Bouteflika, ROC Member and Foreign Minister of Algeria.

H.E. the Iranian Foreign Minister, in a statement on the occasion, pointed out:

"I have the honor to assure Your Excellency, that, in accordance with our agreement on the conclusion of the treaty pertaining to the international borders and good neighborly relations between Iraq and Iran, together with the three Protocols and Appendices, namely:

1. Agreement on navigation in Shatt-ul-Arab.
2. Agreement on grazing rights.
3. Agreement on border rivers.
4. Agreement on the rights and terms of reference of border commissions;

The two supreme contracting parties are bound to draw up and conclude the same simultaneously within a period of three months as from today.

Kindly accept my respects."

Abbas Ali Khatlabari

Foreign Minister, Saadoun Hammadi's message reads:

"It honors me to acknowledge the receipt of your letter dated June 13, 1975, and confirm that, according to our agreement on the conclusion of the Treaty on International Borders and good neighborly relations between Iraq and Iran together with the three Protocols and Appendices, namely:

1. Agreement on Navigation in Shatt-ul-Arab.
2. Agreement on grazing rights.
3. Agreement on border rivers.
4. Agreement on the rights and terms of reference of border commissions:

The two Supreme Contracting Parties are bound to draw up and conclude the same simultaneously within a period of three months as from today.

Kindly accept my respects."

Saadoun Hammadi
Foreign Minister of Iraq
H.E. the Minister,

It honors me to confirm to Your Excellency that, in an ordinance with the agreement we have reached today, the two supreme contracting parties undertake to conduct, within a

period not exceeding one year, all formalities related to the ratification of the treaty on international borders and good neighborly relations between Iran and Iraq, together with the three Protocols and Appendices, in accordance with the international law as an arbiter to each party.

Kindly accept my sincere respects

Abbas Ali Khalatbari
Foreign Minister of Iran
H.E. the Minister

It honors me to acknowledge the receipt of your letter dated June 13, 1975, and confirm that according to the agreement concluded today, each contracting party undertakes to conduct within a period not exceeding one year, all formalities related to ratification procedures of the Treaty on International Borders and Good Neighbor Relations Between Iraq and Iran, together with the three Protocols and Appendices in accordance with the international law of each party.

Saadoun Hammadi
Foreign Minister of Iraq

APPENDIX B

THE ISLAMIC CONSTITUTION OF IRAN

CHAPTER I

GENERAL PRINCIPLES

ARTICLE 1

The form of government of Iran is that of an Islamic Republic, which received an affirmative vote from the Iranian people on the basis of their longstanding belief in the Qur'anic government of truth and justice, after their victorious Islamic Revolution led by the eminent marja'-i taqlid, Ayatullah al-Uzma Imam Khomeini, in the referendum of Farvardin 9 and 10 in the year 1358 of the solar Islamic calendar, corresponding to Jumjadi al-Ula 1 and 2 in the year 1300 of the lunar Islamic calendar [March 29 and 30, 1979].

ARTICLE 2

The Islamic Republic is a system of government based on belief in:

- a. the One God (as stated in the Islamic creed "There is no god but God"), His exclusive possession of sovereignty and the right to legislate, and the necessity of submission to His commands;
- b. divine revelation and its fundamental role in the expounding of laws;
- c. the return to God in the hereafter, and the constructive role of this belief in man's ascending progress toward God;
- d. the justice of God in creation and legislation;
- e. continuous leadership and guidance, and its fundamental role in assuring the continuity of the revolution of Islam;
- f. the exalted dignity and value of man, and his freedom, joined to responsibilities, before God;

which secures equity, justice, political, economic, social, and cultural independence, and national solidarity, by recourse to:

- a. continuous ijtihad of the fuqaha possessing the necessary qualifications, exercised on the basis of the Book of God and the Sunna of the Ma'sumin, upon all of whom be peace;

- b. recourse to arts and sciences and the most advanced results of human experience, together with the effort to carry them still farther forward;
- c. rejection of all forms of oppression, both the infliction and the endurance of it, and of dominance, both its imposition and its acceptance.

ARTICLE 3

In order to attain the objectives specified in Article 2, the government of the Islamic Republic of Iran has the duty of directing all its resources to the following goals:

- a. the creation of a favorable environment for the growth of spiritual virtues based upon faith and piety and the struggle against all forms of vice and corruption;
- b. raising the level of public awareness in all areas, through the correct use of the press, the mass media, and other means;
- c. free education and physical training for everyone at all levels, and the facilitation and expansion of higher education;
- d. strengthening the spirit of inquiry, investigation, and initiative in all areas of science, technology, and culture, as well as Islamic studies, by establishing research centers and encouraging researchers;
- e. the complete expulsion of imperialism and the prevention of foreign influence;
- f. the elimination of all forms of tyranny and autocracy and all attempts to monopolize power;
- g. the securing of political and social freedoms within the limits of the law;
- h. ensuring the participation of the entire people in the determination of their political, economic, social, and cultural destiny;
- i. the abolition of all forms of impermissible discrimination and the provision of just opportunities for all, in both material and non-material matters;
- j. the creation of a proper administrative system and the elimination of unnecessary government organizations;
- k. strengthening the defense of the nation to the utmost degree by means of universal military training for the sake of preserving the independence, territorial integrity, and Islamic order of the country;
- l. the planning of a correct and just economic system, in accordance with Islamic criteria, in order to create prosperity, remove poverty, and abolish all forms of deprivation with respect to food, housing, work, and health care, and the provision of universal insurance;

m. the attainment of self-sufficiency in industrial, agricultural, and military science, and technology, and all related matters;

n. securing the comprehensive rights of all citizens, both women and men, and the establishment of judicial security for all, as well as the equality of all before the law;

o. the expansion and strengthening of Islamic brotherhood and public cooperation among all the people;

p. the formulation of the foreign policy of the country on the basis of Islamic criteria, brotherly commitment to all Muslims, and the unstinting support of all oppressed and deprived people throughout the world.

ARTICLE 4

All civil, penal, financial, economic, administrative, cultural, military, political, and other laws and regulations must be based on Islamic criteria. This principle applies absolutely and generally to all articles of the Constitution as well as to all laws and regulations, and the fuqaha on the Council of Guardians have the duty of supervising its implementation.

ARTICLE 5

During the Occultation of the Lord of the Age (may God hasten his renewed manifestation!), the governance and leadership of the nation devolve upon the just and pious faqih who is acquainted with the circumstances of his age; courageous, resourceful, and possessed of administrative ability; and recognized and accepted as leader by the majority of the people. In the event that no faqih should be so recognized by the majority, the leader, or the Leadership Council, composed of fuqaha possessing the aforementioned qualifications, will assume these responsibilities in accordance with Article 107.

ARTICLE 6

In the Islamic Republic of Iran, the affairs of the country must be administered on the basis of public opinion expressed by means of elections, including the election of the President of the Republic, the representatives of the National Consultative Assembly, and the members of councils, or by means of referenda in matters specified in other articles of this Constitution.

ARTICLE 7

In accordance with the command of the Qur'an contained in the verses "Their affairs are by consultation among them" (42:38) and "Consult them on affairs" (3:159), councils and

consultative bodies--such as the National Consultative Assembly, the Provincial Councils, the Municipal Councils, and the City, Neighborhood, Division, and Village Councils--belong to the decisionmaking and administrative organs of the country.

The nature of these councils, together with the manner of their formation and the limits of their powers and functions, is determined by the Constitution and laws arising from it.

ARTICLE 8

In the Islamic Republic of Iran, summoning men to good by enjoining good and forbidding evil is a universal and mutual duty that must be fulfilled by the people with respect to each other, by the government with respect to the people, and by the people with respect to the government. The conditions, limits, and nature of this duty will be specified by law. This is in accordance with the Qur'anic verse "The believers, men and women, are the protectors of each other; they enjoin the good and forbid the evil" (9:71).

ARTICLE 9

In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from each other, and their preservation is the duty of the government and of all individual citizens. No individual, group, or authority has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom. Similarly, no authority has the right to withdraw legitimate freedoms, even by establishing laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

ARTICLE 10

In accordance with the verse "This your nation is a single nation, and I am your Lord, so worship Me," all Muslims form a single nation, and the government of the Islamic Republic of Iran has the duty of formulating its general policies with a view to the merging and union of all Muslim peoples, and it must constantly strive to bring about the political, economic, and cultural unity of the Islamic world.

ARTICLE 11

Since the family is the fundamental unit of Islamic society, all pertinent laws, regulations, and programs must tend to facilitate the foundation of a family and to protect the sanctity and stability of family relations on the basis of the law and the ethics of Islam.

ARTICLE 12

The official religion of Iran is Islam and the Twelver Ja'fari school of thought, and this principle shall remain eternally immutable. Other Islamic schools of thought, including the Hanafi, Shafi'i, Maliki, Hanbali, and Zaydi schools, are to be accorded full respect, and their followers are free to act in accordance with their own jurisprudence in performing their religious devotions. These schools enjoy official status for the purposes of religious education and matters of personal status (marriage, divorce, inheritance, and bequests), being accepted in the courts for cases relating to such matters. In areas of the country where Muslims following one of these schools of thought constitute the majority, local regulations, within the bounds of the jurisdiction of local councils, are to be in accordance with the respective school of thought, without infringing upon the rights of the followers of other schools.

ARTICLE 13

Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, with the right freely to perform their religious ceremonies within the limits of the law and to act according to their own customs in matters of personal status and religious education.

ARTICLE 14

In accordance with the verse "God does not forbid you to deal kindly and justly with those who have not fought against you because of your religion and who have not expelled you from your homes" (60:8), the government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in an ethical fashion and in accordance with Islamic justice and equity and to respect their human rights. This principle applies to all who refrain from engaging in conspiracy or activity against Islam and the Islamic Republic of Iran.

CHAPTER II

THE LANGUAGE, SCRIPT, CALENDAR, AND FLAG OF THE COUNTRY

ARTICLE 15

The official language and script of Iran, the lingua franca of its people, is Persian. Official documents, correspondence, and texts as well as schoolbooks must be in this language and script. The use of regional and national (qaumi) languages in the press and mass media, however, as well as for teaching in schools the literatures written in them, is permitted in addition to Persian.

ARTICLE 16

Since the language of the Qur'an and of Islamic learning and culture is Arabic, and since Persian literature has been thoroughly permeated by this language, it must be taught in all classes from elementary school through middle school, and in all areas of study.

ARTICLE 17

The official calendar of the country takes as its point of departure the migration of the Prophet of Islam--God's peace and blessings upon him and his family! Both the solar and the lunar Islamic calendars are recognized, but government offices will base their operations on the solar calendar. The official weekly holiday is Friday.

ARTICLE 18

The official flag of Iran is green, white, and red and bears the special emblem of the Islamic Republic together with the words "Allahu Akbar."

CHAPTER III

THE RIGHTS OF THE PEOPLE

ARTICLE 19

Whatever the ethnic group or tribe to which they belong, all people of Iran enjoy equal rights, and factors such as color, race, and language do not bestow any privilege.

ARTICLE 20

All citizens of the nation, both women and men, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.

ARTICLE 21

The government must assure the rights of women in all respects, in conformity with Islamic criteria, and accomplish the following goals:

- a. create a favorable environment for the growth of woman's personality and the restoration of her rights, tangible and intangible;
- b. the protection of mothers, particularly during pregnancy and childbearing, and the protection of children without guardians;
- c. the creation of a competent court to protect and preserve the family;
- d. the provision of special insurance for widows and aged and destitute women;
- e. the granting of guardianship of children to their mothers whenever suitable in order to protect the interests of the children, in the absence of a legal guardian.

ARTICLE 22

The dignity, life, property, rights, dwelling, and occupation of the individual are inviolate, except in cases sanctioned by the law.

ARTICLE 23

The interrogation of persons concerning their opinions is forbidden, and no one may be molested or taken to task simply for holding a certain opinion.

ARTICLE 24

Publications and the press are free to present all matters except those that are detrimental to the fundamental principles of Islam or the rights of the public. The details of this exception will be specified by the law.

ARTICLE 25

The inspection of letters and the failure to deliver them, the recording and disclosure of telephone conversations, the disclosure of telegraphic and telex communications or the willful failure to transmit them, wiretapping, and all forms of covert investigation are forbidden, except as provided by law.

ARTICLE 26

The formation of political and professional parties, associations, and societies, as well as religious societies, as well as religious societies, whether they be Islamic or pertain to one of the recognized religious minorities, is freely permitted on condition that they do not violate the principles of independence, freedom, national unity, the criteria of Islam, or the basis of the Islamic Republic. No one may be prevented from participating in the aforementioned groups, or be compelled to participate in them.

ARTICLE 27

Public gatherings and marches may freely be held, on condition that arms are not carried and that they are not detrimental to the fundamental principles of Islam.

ARTICLE 28

Everyone has the right to choose any employment he wishes, if it is not opposed to Islam, the public interest, or the rights of others. The government has the duty, while bearing in mind the needs of society for different kinds of work, to provide every citizen with the opportunity to work, and to create equal conditions for obtaining it.

ARTICLE 29

The right to benefit from social security with respect to retirement, unemployment, old age, disability, and destitution benefits, as well as benefits relating to being stranded and emergencies, health services, medicine, and medical care, provided through insurance or other means, is a universal right.

The government must assure the foregoing rights and financial protection by drawing on the national income, in accordance

with the law, and on income derived from the participation of the people.

ARTICLE 30

The government must provide all citizens with free education to the end of middle school, and must expand higher education to the level required by the country for self-sufficiency.

ARTICLE 31

To own a dwelling commensurate with one's needs is the right of every individual and family in Iran. The government must make land available for the implementation of this principle, according priority to those whose need is greatest, in particular the rural population and the workers.

ARTICLE 32

No one can be arrested except in accordance with judgment and the procedure established by law. In the case of arrest, charges and supporting evidence must be communicated immediately in writing to the prisoner and be elucidated to him, and a provisional dossier must be forwarded to the competent judicial authorities within a maximum of twenty-four hours so that the preliminaries to the trial can be completed as swiftly as possible. Punishments for the infringement of these principles will be determined by law.

ARTICLE 33

No one can be banished from his place of residence, prevented from residing in his preferred location, or compelled to reside in a given locality, except as provided in law.

ARTICLE 34

It is the indisputable right of every citizen to seek justice, and everyone may have access to the competent courts in order to present his case. All members of the nation have the right of access to such courts, and no one can be barred from courts to which they have a legal right of recourse.

ARTICLE 35

Both parties to a dispute have the right in all courts of law to select a lawyer, and if they are unable to do so, arrangements must be made to provide them with legal counsel.

ARTICLE 36

The passing and execution of sentence must be performed only by the appropriate court and in accordance with law.

ARTICLE 37

Innocence is to be presumed, and no one is to be regarded as guilty unless his guilt has been established by the competent court.

ARTICLE 38

Any form of torture for the purpose of extracting confessions or gaining information is forbidden. It is not permissible to compel individuals to give testimony, make confessions, or swear oaths, and any testimony, confession, or oath obtained in this fashion is worthless and invalid. Punishments for the infringement of these principles will be determined by law.

ARTICLE 39

All affronts to the dignity and honor of persons arrested, detained, imprisoned, or banished in accordance with the law, whatever form they may take, are forbidden and punishable.

ARTICLE 40

No one can make the exercise of his rights a pretext for harming others or encroaching on the public interest.

ARTICLE 41

Iranian nationality is the indisputable right of every Iranian, and the government cannot withdraw nationality from any Iranian unless he himself requests it or acquires the nationality of another country.

ARTICLE 42

Foreign nationals may acquire Iranian nationality within the framework of the relevant laws. Nationality may be withdrawn from such persons if another state accepts them as its nationals or if they request it.

CHAPTER IV

ECONOMY AND FINANCIAL AFFAIRS

ARTICLE 43

In order that the economic independence of society may be secured, poverty and deprivation uprooted, and the needs of man in his process of growth and advancement satisfied, while at the same time preserving his liberty, the economy of the Islamic Republic of Iran is to be based on the following criteria:

- a. the provision of basic necessities to all citizens: accommodation, food, clothing, health care, medicine, education, and the necessary facilities for the establishment of a family;
- b. assuring conditions and possibilities of employment for everyone, with a view to attaining full employment; placing the means of labor at the disposal of everyone who is able to work but lacks the means, in the form of cooperatives; and granting interest-free loans or recourse to any other legitimate means that neither results in the concentration of wealth in the hands of a few individuals or its circulation among them nor turns the government into a major or dominant employer. These steps must be taken with due regard for the necessities determining public planning of the national economy at each stage of its growth;
- c. the drawing up of the economic plan for the country in such a manner that the form, content, and hours of work of every individual will leave him, in addition to his labor, sufficient opportunity and strength to engage in intellectual, political, and social self-development, active participation in the leadership of the country, and the improvement of his skills and sense of initiative;
- d. respect for the right to choose freely one's job; refraining from compelling anyone to engage in a particular job; and preventing the exploitation of another's labor;
- e. forbidding the infliction of harm upon others, monopoly, hoarding, usury, and other evil and forbidden practices;
- f. the prohibition of extravagance and wastefulness in all matters related to the economy, including consumption, investment, production, distribution, and services;
- g. the utilization of science and technology, and the training of skilled individuals in accordance with need for the sake of the development and progress of the country's economy;
- h. prevention of foreign economic domination over the country's economy;
- i. emphasis on the increase of agricultural, livestock, and industrial production in order to satisfy public needs and to make the country self-sufficient and independent.

ARTICLE 44

The economic system of the Islamic Republic of Iran is to consist of three sectors: state, cooperative and private, and is to be based on orderly and correct planning.

The state sector is to include all large-scale and major industries, foreign trade, major mineral resources, banking, insurance, energy, dams and large-scale irrigation networks, radio and television, post, telegraphic and telephone services, aviation, shipping, roads, railroads and the like; all these will be publicly owned and administered by the state.

The cooperative sector is to include cooperative companies and institutions concerned with production and distribution, established in both the cities and the countryside, in accordance with Islamic criteria.

The private sector consists of those activities concerned with agriculture, animal husbandry, industry, trade, and services that supplement the economic activities of the state and cooperative sectors.

Ownership in each of these three sectors is protected by the laws of the Islamic Republic, to the extent permitted by the other articles of this chapter, and on condition that such ownership does not go beyond the bounds of Islamic law, that it contributes to the economic growth and progress of the country, and that it does not harm society.

The [precise] scope of each of the three sectors, as well as the regulations and conditions governing their operation, will be specified by law.

ARTICLE 45

Public wealth and property, such as uncultivated or abandoned land, minerals, seas, lakes, rivers and other public bodies of water, mountains, valleys, forests, marshland, natural forests, unenclosed pastureland, legacies without heirs, property of undetermined ownership, and public property recovered from usurpers, shall be at the disposal of the Islamic government for it to use in accordance with the public interest. Law will specify detailed arrangements for the utilization of each of the foregoing items.

ARTICLE 46

Everyone is the owner of the fruits of his legitimate business and labor, and no one may deprive another of the opportunity of work under the pretext of this ownership.

ARTICLE 47

Private ownership, legitimately achieved, is to be respected. The relevant criteria are determined by law.

ARTICLE 48

All forms of discrimination among the various provinces must be avoided in the exploitation of natural resources, in the utilization of public income, and in the distribution of economic activities among the various provinces and regions of the country, thereby ensuring that every region has access to the necessary capital and facilities in accordance with its needs and capacity for growth.

ARTICLE 49

The government has the responsibility of confiscating all wealth resulting from usury, usurpation, bribery, embezzlement, theft, gambling, misuse of endowments, misuse of government contracts and transactions, the sale of uncultivated lands and other categories of land inherently subject to public ownership, the operation of houses of ill-repute, and other illicit sources. When appropriate, such wealth must be restored to its legitimate owner, and if no such owner can be identified, it must be placed in the public treasury. The application of this principle must be accompanied by due investigation and verification in accordance with the law of Islam and carried out by the government.

ARTICLE 50

The preservation of the environment in which present and future generations are charged with the construction of a progressive society is regarded as a public duty in the Islamic Republic. Economic and other activities that tend consistently to pollute the environment or inflict irreparable damage on it are therefore forbidden.

ARTICLE 51

No form of taxation may be imposed except in accordance with the law. Provisions for tax exemption and reduction will be determined by law.

ARTICLE 52

The annual budget of the country will be drawn up by the government, in the manner specified by law, and submitted to the National Consultative Assembly for discussion and approval. Any change in the figures contained in the budget will be in accordance with the procedures established in law.

ARTICLE 53

All sums received by the government will be concentrated in accounts at the central treasury, and all disbursements shall be within the allocations approved in accordance with law.

ARTICLE 54

The National Accounting Agency is to be directly under the supervision of the National Consultative Assembly. Its organization and mode of operation, in Tehran and in provincial centers, are to be determined by law.

ARTICLE 55

The Accounting Agency will investigate and/or audit, in the manner prescribed by law, all the accounts of ministries, state institutions, and companies that benefit in any way from the general budget of the country. It will ensure that no expenditure exceeds the allocations approved and that all sums are spent for the proper purpose. It will collect all relevant accounts, bills, records, and documents, in accordance with law, and submit to the National Consultative Assembly a report for the settlement of each year's budget together with its own comments. This report must be made available to the public.

CHAPTER V

THE RIGHT OF NATIONAL SOVEREIGNTY AND THE POWERS DERIVING THEREFROM

ARTICLE 56

Absolute sovereignty over the world and man belongs to God, and it is He Who has placed man in charge of his social destiny. No one can deprive man of this God-given right, nor subordinate it to the interests of a given individual or group. The people exercise this God-given right by the paths specified in the articles below.

ARTICLE 57

The powers of government in the Islamic Republic consist of the legislative, the judiciary, and the executive powers, functioning under the supervision of those invested with governance and leadership and in accordance with articles of this Constitution. These powers are independent of each other, and communication among them will be ensured by the President of the Republic.

ARTICLE 58

The exercise of the legislative power is by means of the National Consultative Assembly, consisting of the elected representatives of the people. Legislation approved by this body, after completion of the stages specified in the articles below, is communicated to the executive and the judiciary for implementation.

ARTICLE 59

In economic, political, social, and cultural matters of great importance, it is possible for the legislative power to be exercised by means of a referendum and direct consultation with the people to determine their views. Any request for such direct consultation must be approved by two-thirds of the members of the National Consultative Assembly.

ARTICLE 60

The exercise of the executive power is by means of the President of the Republic, the Prime Minister, and the ministers, except for matters directly assigned to the leadership by this Constitution.

ARTICLE 61

The exercise of the judiciary power is by means of courts of justice, which are to be formed in accordance with the

criteria of Islam and are to examine and settle cases, protect the rights of the public, dispense and enact justice, and establish the divine limits.

CHAPTER VI
THE LEGISLATIVE POWER

Section One

The National Consultative Assembly

ARTICLE 62

The National Consultative Assembly consists of the representatives of the people elected directly and by secret ballot.

The qualifications of electors and candidates, as well as the method of election, will be specified by law.

ARTICLE 63

The term of membership in the National Consultative Assembly is four years. Elections for each term must take place before the end of the preceding term, so that the country is never without an Assembly.

ARTICLE 64

There are to be two hundred seventy members of the National Consultative Assembly. After every ten years, if the population of the country has increased, representatives will be added to each electoral district at the rate of one per every 150,000 additional persons. The Zoroastrians and Jews will each elect one representative; Assyrian and Chaldean Christians will jointly elect one representative; and Armenian Christians in the north and those in the south of the country will each elect one representative. If the population of these minorities increases, they will be given additional representatives at the rate of one per 150,000. Regulations concerning elections will be established by law.

ARTICLE 65

After the holding of elections, sessions of the National Consultative Assembly are considered legal when two-thirds of the total members are present. Drafts and bills presented to the Assembly will be approved in accordance with the internal protocol approved by it, except in cases where the Constitution has specified a certain quorum. The agreement of two-thirds of all members present is necessary for the approval of the internal protocol of the Assembly.

ARTICLE 66

The manner of election of the president and governing body of the Assembly, the number of commissions and their term of

office, and matters relating to the discussions and disciplinary regulations of the Assembly will be determined by the internal protocols of the Assembly.

ARTICLE 67

Members of the Assembly must swear the following oath at the first session of the Assembly and affix their signatures to its text:

In the Name of God, the Compassionate, the Merciful
In the presence of the Glorious Qur'an, I swear by
God, the Powerful and Almighty, and undertake, relying upon my honor as a human being, to protect the sanctity of Islam and guard the accomplishments of the Islamic Revolution of the Iranian people and the foundations of the Islamic Republic; to protect, as just trustee, the trust bestowed upon me by the people; to observe piety in fulfilling my duties as a member of the assembly; to be constantly devoted to the independence and advancement of the country, the protection of the rights of the nation, and the service of the people; to defend the Constitution; and to bear in mind, both in speech and writing and in the expression of opinion, the independence of the country, the freedom of the people, and the securing of their interests.

Members belonging to the religious minorities will mention their own sacred books when swearing this oath.

Members not participating in the first session will perform the ceremony of swearing the oath at the first session they attend.

ARTICLE 68

In time of war and the military occupation of the country, elections due to be held in occupied areas or nationwide may be delayed for a specified period if proposed by the President of the Republic, and approved by three-fourths of the total members of the National Consultative Assembly, with the endorsement of the Council of Guardians. If a new Assembly cannot be formed, the previous one will continue to function.

ARTICLE 69

The deliberations of the National Consultative Assembly must be held in public, and a full report of them made available to the public by the radio and the official gazette. A closed session may be held in emergencies, if it is required for national security, upon the demand of the Prime Minister, one of the ministers, or ten members of the Assembly. Legislation passed at a closed session is valid only when approved by three-fourths of the members in the presence of the Council

of Guardians. After emergency conditions have ceased to apply, the minutes of such closed sessions, together with any legislation approved in them, must be made available to the public.

ARTICLE 70

The President, the Prime Minister, and the ministers have the right to participate in the open sessions of the Assembly either collectively or individually. If the members of the Assembly deem it necessary, the President of the Republic, the Prime Minister, and the ministers are obliged to attend. Conversely, whenever they request it, their statements are to be heard.

Any invitation to the President of the Republic to attend the Assembly must be approved by a majority of the members.

Section Two

Powers and Authority of the National Consultative Assembly

ARTICLE 71

The National Consultative Assembly can establish laws on all matters, within the limits of its competence as laid down in the Constitution.

ARTICLE 72

The National Consultative Assembly cannot enact laws contrary to the principles and ordinances of the official religion of the country or to the Constitution. It is the duty of the Council of Guardians to determine whether a violation has occurred, in accordance with Article 96.

ARTICLE 73

The interpretation of ordinary laws falls within the competence of the National Consultative Assembly. The intent of this Article does not prevent the interpretations that judges may make in the course of cassation.

ARTICLE 74

Bills are presented to the National Consultative Assembly after receiving the approval of the Council of Ministers. Draft bills may be introduced in the National Consultative Assembly if sponsored by at least fifteen members.

ARTICLE 75

Drafts, proposals, and amendments to bills already proposed by members that entail the reduction of the public income or the increase of public expenditure may be introduced in the Assembly only if means for compensating for the decrease in income or for securing the new expenditure are also specified.

ARTICLE 76

The National Consultative Assembly has the right to investigate and examine all the affairs of the country.

ARTICLE 77

Treaties, international undertakings, and other agreements of a similar nature must be approved by the National Consultative Assembly.

ARTICLE 78

All changes in the boundaries of the country are forbidden, with the exception of minor rectifications in keeping with the interests of the country, on condition that they are not unilateral, do not encroach on the independence and territorial integrity of the country, and receive the approval of four-fifths of the total members of the National Consultative Assembly.

ARTICLE 79

The establishment of martial law is forbidden. In case of war or emergency condition akin to war, the government has the right to impose temporarily certain essential restrictions, with the agreement of the National Consultative Assembly. In no case can such restrictions last for more than thirty days; if the need for them persists beyond thirty days, the government must obtain new authorization for them from the Assembly.

ARTICLE 80

The taking and giving of loans or grants-in-aid, domestic and foreign, must be approved by the National Consultative Assembly.

ARTICLE 81

The granting of concessions to foreigners for the formation of companies or institutions for commercial, industrial, and agricultural purposes, or for the extraction of minerals, is absolutely forbidden.

ARTICLE 82

The employment of foreign experts is forbidden, except in cases of necessity and with the approval of the National Consultative Assembly.

ARTICLE 83

Government buildings and properties forming part of the national patrimony cannot be transferred except with the approval of the National Consultative Assembly; unique and irreplaceable treasures are not covered by this exception.

ARTICLE 84

Every member is responsible to the entire nation, and has the right to express his opinion on all matters of domestic and foreign policy.

ARTICLE 85

Membership in the National Consultative Assembly applies to the individual and cannot be delegated. The Assembly cannot assign the power of legislation to a single individual or to a group. In cases of overriding need, however, it can delegate the establishment of certain categories of law to its internal commissions, in accordance with Article 72. In such a case, the laws will be executed on an experimental basis for a period specified by the Assembly, and their final approval will depend on the Assembly [as a whole].

ARTICLE 86

Members of the Assembly are completely free to express their views in the course of performing their duties as members, and they cannot be prosecuted or arrested for opinions expressed in the Assembly or views uttered [elsewhere] in the course of performing their duty.

ARTICLE 87

The Council of Ministers, after being formed and presented to the Assembly and before all other business, must obtain a vote of confidence from the Assembly. During its incumbency, it can also request a vote of confidence from the Assembly on important questions or matters being disputed.

ARTICLE 88

Whenever a member of the Assembly poses a question to a minister on a subject relating to his duties, the minister is obliged to attend the Assembly and answer the question. His answer must not be delayed more than ten days, except with an excuse deemed valid by the National Consultative Assembly.

ARTICLE 89

Members of the Assembly can interpellate the Council of Ministers or an individual minister in instances they deem necessary. Interpellations can be tabled if they bear the signatures of ten members. The Council of Ministers or interpellated minister must be present in the Assembly within ten days after the tabling of the interpellation in order to answer it and seek a vote of confidence. If the Council of Ministers or the minister concerned fails to attend the Assembly, the members who tabled the interpellation will explain their reasons, and the Assembly will declare a vote of no confidence if it deems it necessary.

If the Assembly does not give a vote of confidence, the Council of Ministers or minister subject to interpellation is dismissed. In both cases, the Prime Minister and the ministers subject to interpellation cannot participate in the next Council of Ministers to be formed.

ARTICLE 90

Whoever has a complaint concerning the work of the Assembly, the executive power, or the judicial power can present his complaint in writing to the Assembly. The Assembly must investigate his complaint and give an adequate response. In cases where the complaint relates to the executive or the judiciary, the Assembly must demand investigation and the furnishing of an adequate response from them, and announce the results within a reasonable time. In cases where the subject of the complaint is of public interest, the result must be made public.

ARTICLE 91

In order to protect the ordinances of Islam and the Constitution by assuring that legislation passed by the National Consultative Assembly does not conflict with them, a council to be known as the Council of Guardians is to be established with the following composition:

- a. six just fuqaha, conscious of current needs and the issues of the day, to be selected by the leader or the Leadership Council; and
- b. six jurists, specializing in different areas of law, to be elected by the National Consultative Assembly from among the Muslim jurists presented to it by the Supreme Judician Council.

ARTICLE 92

Members of the Council of Guardians are selected to serve for a period of six years, but during the first term, after three years have passed, two members of each group will be

changed by lottery and new members will be selected in their place.

ARTICLE 93

The National Consultative Assembly does not have legal validity if there is no Council of Guardians in existence other than to approve the credentials of its members and select the six jurists who are to sit on the Council of Guardians.

ARTICLE 94

All legislation passed by the National Consultative Assembly must be sent to the Council of Guardians. The Council of Guardians must review it within a maximum of ten days from its receipt with a view to ensuring its compatibility with the criteria of Islam and the Constitution. If it finds the legislation not so compatible, it will return it to the Assembly for review. If the Council fails to do the foregoing, legislation passed by the Assembly acquires the force of law.

ARTICLE 95

In cases where the Council of Guardians deems ten days inadequate for completing the process of review and delivering a definitive opinion, it can request an extension of not more than ten days from the National Consultative Assembly, stating its reason for the request.

ARTICLE 96

The determination of whether legislation passed by the National Consultative Assembly is compatible with the ordinances of Islam depends on a majority vote by the fuqaha on the Council of Guardians; and the determination that it is compatible with the Constitution requires a majority vote by all members of the Council of Guardians.

ARTICLE 97

In order to accelerate their work, the members of the Council of Guardians may attend the Assembly and listen to its debates when a bill or draft is under discussion. When an urgent draft or bill has been inscribed on the agenda of the Assembly, the members of the Council of Guardians must attend the Assembly and make their views known.

ARTICLE 98

The interpretation of the Constitution is the responsibility of the Council of Guardians, and depends on the approval of three-fourths of its members.

ARTICLE 99

The Council of Guardians has the responsibility of supervising the election of the President of the Republic, the elections for the National Consultative Assembly, and the direct consultation of popular opinion and referenda.

CHAPTER VII

COUNCILS

ARTICLE 100

In order to carry forward swiftly social, economic, development, public health, cultural, and educational programs, as well as other projects promoting the well-being of society, in collaboration with the people and with regard for local administrative needs in each village, division, city, municipality, and province, the administration of each village, division, city, municipality, and province will be supervised by a council to be known as the Village, Division, City, Municipality, or Provincial Council. The members of each of these councils will be elected by the people of the locality in question.

Qualifications for the electors and candidates for these councils, as well as their functions and powers, the method of election to them, the way in which they exercise their supervision, and the chain of authority that is to exist among them, will be determined by law, in such a way as to preserve national unity, territorial integrity, the system of the Islamic Republic, and the primacy of the central government.

ARTICLE 101

In order to prevent discrimination and attract the cooperation [of the people] in the preparation of programs for the development and prosperity of the provinces and in the harmonious implementation of such programs, a Supreme Council of the Provinces will be formed, composed of representatives of the Provincial Councils. Law will specify the manner in which this council is to be formed and the functions that it is to fulfill.

ARTICLE 102

The Supreme Council of the Provinces has the right, within the limits of its power, to prepare draft plans and to submit them to the National Consultative Assembly, either directly or by way of the government. These drafts must be examined by the Assembly.

ARTICLE 103

Provincial governors, city governors, divisional governors, and other officials appointed by the government must respect all decisions taken by the councils within the limits of their powers.

ARTICLE 104

In order to ensure Islamic equity and collaboration in the preparation of programs and to bring about the harmonious progress of all units of production, both industrial and agricultural, councils consisting of the representatives of the workers, peasants, other employees, and managers, will be formed. In educational, administrative, service, and other units, similar councils will be formed, composed of representatives of the members of those units.

The manner in which these councils are to be formed, together with their functions and powers, is to be specified by law.

ARTICLE 105

Decisions taken by the councils must not contradict the criteria of Islam and the laws of the country.

ARTICLE 106

The councils may not be dissolved unless they deviate from their legal duties. The body responsible for determining whether such deviation has occurred, as well as the manner for dissolving the councils and re-forming them, will be specified by law.

CHAPTER VIII

THE LEADER OR LEADERSHIP COUNCIL

ARTICLE 107

Whenever one of the fuqaha possessing the qualifications specified in Article 5 of the Constitution is recognized and accepted as marja' and leader by a decisive majority of the people--as has been the case with the exalted marja'i taqlid and leader of the revolution, Ayatullah al-Uzma Imam Khomeini--he is to exercise governance and all the responsibilities arising therefrom. If such should not be the case, experts elected by the people will review and consult among themselves concerning all persons qualified to act as marja' and leader. If they discern outstanding capacity for leadership in a certain marja', they will present him to the people as their leader; if not, they will appoint either three or five marja's possessing the necessary qualifications for leadership and present them as members of the Leadership Council.

ARTICLE 108

The law setting out the number and qualifications of the experts [mentioned in the preceding article], the manner of their election, and the internal protocol regulating the sessions of their first term must be drawn up by the fuqaha on the first Council of Guardians, and be approved by a majority among them and then by the Leader of the Revolution. Any subsequent change or review of the law [in question] may be undertaken by the Assembly of Experts.

ARTICLE 109

The following are the qualifications and attributes of the leader or members of the Leadership Council:

- a. suitability with respect to learning and piety, as required for the functions of mufti and marja';
- b. political and social perspicacity, courage, strength, and the necessary administrative abilities for leadership.

ARTICLE 110

The leadership is to be assigned the following duties and powers:

- a. appointment of the fuqaha on the Council of Guardians;
- b. appointment of the supreme judicial authority of the country;
- c. supreme command of the armed forces, exercised in the following manner:

- (i) appointment and dismissal of the chief of the general staff;
- (ii) appointment and dismissal of the commander-in-chief of the Corps of Guards of the Islamic Revolution;
- (iii) the formation of a Supreme National Defense Council, composed of the following seven members:
 - the President
 - the Prime Minister
 - the minister of defense
 - the chief of the general staff
 - the commander-in-chief of the Corps of Guards of the Islamic Revolution
 - two advisers appointed by the leader
- (iv) appointment of the supreme commanders of the three branches of the armed forces, based upon the recommendation of the Supreme National Defense Council;
- (v) the declaration of war and peace, and the mobilization of the armed forces, based on the recommendation of the Supreme National Defense Council;

d. signing the decree [formalizing the election] of the President of the Republic after his election by the people. The suitability of candidates for the presidency of the Republic, with respect to the qualifications specified in the Constitution, must be confirmed before elections take place by the Council of Guardians, and, in the case of the first term, by the leadership.

e. dismissal of the President of the Republic, with due regard for the interests of the country, after the issue of a judgment by the Supreme Court convicting him of failure to fulfill his legal duties, or a vote of the National Consultative Assembly testifying to his political incompetence;

f. pardoning or reducing the sentences of convicts, within the bounds of Islamic criteria, after receiving a recommendation [to that effect] from the Supreme Court.

ARTICLE 111

Whenever the leader or one member of the Leadership Council becomes incapable of fulfilling the legal duties of leadership, or loses one of the qualifications mentioned in Article 109, he will be dismissed. Determination [of the necessity of such dismissal] will be made by the experts mentioned in Article 108.

Regulations for the convening of the experts in order to implement this provision will be established at the first session of the Assembly of Experts.

ARTICLE 112

The leader or the members of the Leadership Council are equal before the law with all other citizens.

CHAPTER IX
THE EXECUTIVE POWER

SECTION ONE
THE PRESIDENCY

ARTICLE 113

After the leadership, the President of the Republic is the highest official position in the country. His is the responsibility for implementing the Constitution, ordering relations among the three powers, and heading the executive power except in matters pertaining directly to the leadership.

ARTICLE 114

The President of the Republic is elected for a four-year term by the direct consultation of the popular vote. He may be re-elected only once to serve a successive term.

ARTICLE 115

The President of the Republic must be elected from among religious and political personalities possessing the following qualifications:

Iranian origin; Iranian nationality; administrative and managerial capacities; a good past record; trustworthiness; piety; convinced belief in the fundamental principles of the Islamic Republic of Iran and the official school of thought of the country.

ARTICLE 116

Candidates for the post of President of the Republic must announce their candidacy officially. Law establishes the manner in which the President of the Republic is to be elected.

ARTICLE 117

The President of the Republic is elected by an absolute majority of votes of all participants [in the election]. But if none of the candidates is able to win such a majority in the first round of voting, boting will take place a second time on Friday of the following week. In the second round, only the two candidates who received the most votes in the first found will participate. If, however, some of the candidates who gained the most votes in the first round withdraw from the elections, the final choice will be bwtween the two candidates who won more votes than all the remaining candidates.

ARTICLE 118

Responsibility for the supervision of the election of the President of the Republic lies with the Council of Guardians, as stipulated in Article 99. Before the establishment of the first Council of Guardians, however, it lies with a supervisory body to be established by law.

ARTICLE 119

The election of a new President of the Republic must take place no later than one month before the end of the term of the preceding President. In the interval between the election of the new President and the end of the term of the preceding President, the outgoing President performs the duties of President of the Republic.

ARTICLE 120

If any of the candidates whose suitability is established in terms of the qualifications listed above should die ten days before balloting day, the elections will be postponed for two weeks. If one of the candidates holding the most votes dies in the interval between the first and second rounds of voting, the period for holding [the second round of] the election will be extended for two weeks.

ARTICLE 121

The President of the Republic must swear and affix his signature to the following oath at a session of the National Consultative Assembly in the presence of the head of the Supreme Court and the members of the Council of Guardians of the Constitution:

In the Name of God, the Compassionate, the Merciful

As President of the Republic, I swear, in the presence of the Noble Qur'an and the people of Iran, by God, Powerful and Almighty, that I will guard the official school of thought of the country, the order of the Islamic Republic and the Constitution of the country; that I will devote all my capacities and abilities to the fulfillment of the responsibilities that I have assumed; that I will devote myself to the service of the people, the advancement of the country, the propagation of religion and morality, and the support of truth and justice; that I will protect the freedom and dignity of all citizens and the rights that the Constitution has accorded the people; that in guarding the frontiers and the political, economic, and cultural independence of the country I will not shirk any necessary measure; that, seeking help from God and following the Prophet of

Islam and the Immaculate Imams (peace be upon them), I will guard the power vested in me by the people as a sacred trust, as a pious and selfless trustee, and surrender it to whomever the people may elect after me.

ARTICLE 122

The President of the Republic is responsible to the people within the limits of his functions and powers. The manner in which possible violation of this responsibility is to be investigated will be determined by law.

ARTICLE 123

The President of the Republic has the responsibility of signing legislation approved by the Assembly or the result of a referendum after the legal procedures have been completed and its has been communicated to him. After signature, he must forward it to the responsible authorities for implementation.

ARTICLE 124

The President of the Republic will nominate a candidate for the post of Prime Minister, and after obtaining a vote of endorsement from the National Consultative Assembly, he will issue a decree appointing his Prime Minister.

ARTICLE 125

The President or his legal representative signs pacts, conventions, treaties, and other agreements concluded by the Iranian government with other ogvernments, as well as agreements pertaining to international organizations, after obtaining the approval of the National Consultative Assembly.

ARTICLE 126

Statutes and governmental protocols will be communicated to the President of the Republic after being approved by the Council of Ministers. If he deems them contrary to law, he returns them to the Council of Ministers for review, stating his reasons for so doing.

ARTICLE 127

Whenever the President of the Republic considers it necessary, he may attend and preside over sessions of the Council of Ministers.

ARTICLE 128

The President of the Republic signs the credentials of ambassadors being sent to foreign countries and receives the credentials presented by the ambassadors of foreign countries.

ARTICLE 129

The award of state decorations is a prerogative of the President of the Republic.

ARTICLE 130

In case of the absence or illness of the President of the Republic, his duties will be performed by a council called the Temporary Presidential Council, consisting of the Prime Minister, the president of the National Consultative Assembly, and the president of the Supreme Court, on condition that the circumstances excusing the President last not longer than two months. Similarly, in case of the dismissal of the President, or if the term of one President has come to an end and various obstacles have prevented the election of a new President, the duties of the President of the Republic will also be exercised by this council.

ARTICLE 131

In the case of death, resignation, illness lasting longer than two months, dismissal of the President of the Republic, or similar circumstances, the Temporary Presidential Council must arrange for a new President of the Republic to be elected within a maximum of fifty days. During this period, it will carry out all the functions and powers of the President except the initiation of referenda.

ARTICLE 132

During the period when the functions of President of the Republic are assigned to the Temporary Presidential Council, it is not possible to interpellate the government, to pass a vote of no confidence in it, or to undertake any steps for a review of the Constitution.

SECTION TWO

THE PRIME MINISTER AND MINISTERS

ARTICLE 133

Ministers will be appointed upon the proposal of the Prime Minister together with the approval of the President of the Republic, and will be presented to the Assembly for a vote of confidence.

The number of ministers and the limits of the power of each will be determined by law.

ARTICLE 134

The Prime Minister is the head of the Council of Ministers. He supervises the work of the ministers and takes all necessary measures to coordinate the decisions of the government. With the cooperation of the ministers, he determines the program and policies of the government and executes the law. The Prime Minister is responsible to the Assembly for the actions of his ministers.

ARTICLE 135

The Prime Minister retains his position as long as he enjoys the confidence of the Assembly. The resignation of the government is to be presented to the President of the Republic, and the Prime Minister is to continue his functions until a new government is appointed.

ARTICLE 136

Whenever the Prime Minister wishes to dismiss a minister and appoint another in his place, both the dismissal and the appointment must be approved by the President of the Republic, and a vote of confidence must be obtained from the Assembly for the new minister. If half the members of the Council of Ministers change after the government has received its vote of confidence from the Assembly, the government must seek a new vote of confidence from the Assembly.

ARTICLE 137

Each of the ministers is responsible for his duties to the Assembly, but in matters that have been approved by the Council of Ministers as a whole, he is also responsible for the actions of the others.

ARTICLE 138

In addition to instances in which the Council of Ministers or a single minister is given the responsibility for drawing up regulations for the implementation of laws, the Council of Ministers has the right to establish decrees, regulations, and protocols in order to fulfill its administrative duties, secure the implementation of laws, and organize administrative bodies. Each minister also has the right to establish regulations and issue circulars within the limits of his functions and with the approval of the Council of Ministers. The content of all such regulations must not oppose the letter or the spirit of the law.

ARTICLE 139

The settling of litigation relating to public and state property and the referral thereof to arbitration is in every

case dependent on the approval of the Council of Ministers, and the Assembly must be informed of these matters. In cases where one party to the dispute is a foreigner, as well as in important cases that are purely domestic, the approval of the Assembly must also be obtained. Law will specify the important cases intended here.

ARTICLE 140

Accusations of common crime against the President of the Republic, the Prime Minister, and the ministers will be investigated in common courts of justice after the approval of the National Consultative Assembly has been obtained.

ARTICLE 141

The President of the Republic, the Prime Minister, ministers, and government employees cannot hold more than one government position, and it is forbidden for them to hold any additional post in institutions of which all or a part of the capital belongs to the government or to public institutions, to be a member of the National Consultative Assembly, to practice the profession of attorney or legal adviser, or to be the president, managing director, or a member of the board of directors of any private company, with the exception of cooperative companies affiliated with government offices and institutions.

Educational positions in universities and research establishments are excepted from this rule.

In time of necessity, the Prime Minister may temporarily assume responsibility for certain ministries.

ARTICLE 142

The financial holdings of the leader or members of the Leadership Council, the Prime Minister, the President of the Republic, and ministers, as well as their spouses and offspring, are to be examined before and after their term of office by the Supreme Court, in order to ensure they have not increased in a fashion contrary to law.

SECTION THREE

THE ARMY AND THE CORPS OF GUARDS OF THE REVOLUTIONS

ARTICLE 143

The Army of the Islamic Republic of Iran has the duty of guarding the independence and territorial integrity of the country, as well as the order of the Islamic Republic.

ARTICLE 144

The Army of the Islamic Republic of Iran must be an Islamic army, i.e., Islamic in its ideological inspiration and popular [in its orientation], and accept into its service individuals who believe in the aims of the Islamic Revolution and are ready to devote themselves to the achievement of those aims.

ARTICLE 145

No foreigner will be accepted into the Army or security forces of the country.

ARTICLE 146

The establishment of any kind of foreign military base in Iran, even for peaceful purposes, is forbidden.

ARTICLE 147

In time of peace, the government must utilize the personnel and technical equipment of the Army in relief operations, educational and productive enterprises, and the Reconstruction Jihad, while fully observing Islamic criteria and ensuring that such utilization does not harm the combat-readiness of the Army.

ARTICLE 148

All forms of personal use of military vehicles and equipment, as well as personal use of Army personnel as servants and chauffeurs or in similar capacities, are forbidden.

ARTICLE 149

Promotion and the withdrawal of military rank take place in accordance with law.

ARTICLE 150

The Corps of Guards of the Islamic Revolution, established in the early days of the triumph of the Revolution, is to be maintained in order that it may continue in its role of guarding the Revolution and its achievements. The duties of this Corps, together with its areas of responsibility, in relation to the duties and areas of responsibility of the other armed forces, are to be determined by law, with emphasis on brotherly cooperation and harmony among them.

ARTICLE 151

In accordance with the noble Qur'anic verse "Prepare against them whatever force you are able to muster, and horses ready for battle, striking fear into God's enemy and your enemy, and

others beyond them unknown to you but known to God" (8:60), the government has the responsibility of providing a program of military training, together with all requisite facilities, for all of its citizens, in accordance with Islamic criteria, in such a way that all citizens will always be able to engage in the armed defense of the Islamic Republic of Iran. The possession of arms, however, requires the granting of permission by the competent authorities.

CHAPTER X
FOREIGN POLICY

ARTICLE 152

The foreign policy of the Islamic Republic of Iran is based upon the rejection of all forms of domination, the preservation of the complete independence and territorial integrity of the country, the defense of the rights of all Muslims, non-alignment with respect to the hegemonist superpowers, and the maintenance of mutually peaceful relations with all non-belligerent states.

ARTICLE 153

Any form of agreement resulting in foreign domination over the natural resources, economy, army, or culture of the country, as well as other aspects of the national life, is forbidden.

ARTICLE 154

The Islamic Republic of Iran has as its ideal human happiness throughout human society, and considers the attainment of independence, freedom, and just government to be the right of all peoples in the world. While scrupulously refraining from all forms of aggressive intervention in the internal affairs of other nations, it therefore protects the just struggles of the oppressed and deprived in every corner of the globe.

ARTICLE 155

The government of the Islamic Republic of Iran may grant political asylum to those who seek it unless they are regarded as traitors and criminals according to the laws of Iran.

CHAPTER XI
THE JUDICIARY

ARTICLE 156

The judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- a. investigating and passing judgment on grievances, violations of rights, and complaints; the resolving of litigation; the settling of enmities; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- b. restoring public rights and promoting justice and legitimate freedoms;
- c. supervising the correct enforcement of laws;
- d. uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic penal code;
- e. taking suitable measures to prevent the occurrence of crime and to reform criminals.

ARTICLE 157

In order to fulfill the responsibilities of the judiciary, a council to be known as the Supreme Judicial Council will be established, which will be the highest judicial body and entrusted with the following responsibilities:

- a. establishing the necessary procedures in the Ministry of Justice to fulfill the responsibilities specified in Article 156;
- b. preparing bills on judicial matters appropriate to [the form of government of] the Islamic Republic;
- c. employing just and worthy judges, dismissing and appointing them, changing their place of service, assigning them particular functions, promoting them, and carrying out similar administrative duties, in accordance with the law.

ARTICLE 158

The Supreme Judicial Council is to consist of five members:

- a. the head of the Supreme Court;
- b. the Prosecutor-General;
- c. three judges of proven justice and possessing the quality of mujtahid, to be chosen by all the judges of the country.

The members of this council shall be chosen in the manner to be prescribed by law, for a period of five years, and there is no objection to their being reelected. The qualifications for candidates and electors will be specified by law.

ARTICLE 159

The Ministry of Justice is the official body to which all grievances and complaints are to be referred. The formation of courts and the definition of their competences is to be determined by law.

ARTICLE 160

The Minister of Justice has the responsibility for all matters concerning the relationship between the judiciary, on the one hand, and the executive and legislative, on the other hand. He will be chosen from among the individuals proposed to the Prime Minister by the Supreme Judicial Council.

ARTICLE 161

The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the Supreme Judicial Council.

ARTICLE 162

The head of the Supreme Court and the Prosecutor-General must both be just mujtahids well versed in judicial matters. They will be nominated by the leadership for a period of five years, in consultation with the Supreme Judicial Council.

ARTICLE 163

The attributes and qualifications of judge will be determined by law, in accordance with the criteria of fiqh.

ARTICLE 164

A judge cannot be removed from the post he occupies except by trial and the establishment of guilt, or in consequence of a violation entailing his separation, whether temporarily or permanently. A judge's place of service or post cannot be changed without his consent, unless the interest of society determines otherwise, in accordance with a unanimous vote of the members of the Supreme Judicial Council. The periodic transfer and rotation of judges will be in accordance with general regulations to be established by law.

ARTICLE 165

Trials are to be held openly and members of the public may freely attend, unless the court determines that an open trial would be contrary to public morality or order, or, in the case of private disputes, both parties request that the hearings should not be open.

ARTICLE 166

The verdicts of courts must be accompanied by proofs and include mention of the articles, law, and principles in accordance with which they are delivered.

ARTICLE 167

The judge must attempt to find a basis for judgment for every case in the codified laws of the land. If he is unable to do so, he will issue a verdict based on reference to reputable Islamic sources or fatvas. He cannot refrain from examining cases and delivering a verdict on the pretext of silence, deficiency, brevity, or contradiction in the law.

ARTICLE 168

Political and press offenses will be tried openly and in the presence of a jury, in courts attached to the Ministry of Justice. The manner of selection, qualifications, and powers of the jury, as well as the definition of political offenses, will be established by law in accordance with Islamic criteria.

ARTICLE 169

No act or omission may be regarded as a crime on the basis of a law established subsequent to it.

ARTICLE 170

Judges of courts are obliged to refrain from executing statutes and protocols of the government that are in conflict with the laws or the provisions of Islam, or lie outside the competence of the executive power. Anyone has the right to demand the voiding of any such regulation from the Court of Administrative Justice.

ARTICLE 171

If an individual suffers moral or material harm as the result of a failure or error of the judge with respect to the subject matter of a case, the verdict delivered, or the implementation of the verdict, the judge must stand surety for the reparation of that harm in accordance with Islamic criteria, if it be a case of failure. Otherwise, losses will be compensated for by the state. In all cases, the repute and good standing of the individual will be restored.

ARTICLE 172

Military courts will be established by law to investigate crimes committed in connection with their military or security duties by members of the Army, the gendarmerie, the police, and the Corps of Guards of the Islamic Revolution. They will be tried in common courts, however, for common crimes or crimes committed while implementing the directives of the Ministry of Justice. The office of military prosecutor and the military courts form part of the judiciary and are subject to the same principles that regulate the [entire] judiciary.

ARTICLE 173

In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a court will be established to be known as the Court of Administrative Justice. The jurisdiction, powers, and mode of operation of this court will be established by law.

ARTICLE 174

Based on the right of the judiciary to supervise the proper functioning of affairs and the correct implementation of laws by the administrative organs of the government, an organization will be established under the supervision of the Supreme Judicial Council to be known as the National General Inspectorate. The powers and duties of this organization will be determined by law.

CHAPTER XII

MASS MEDIA

ARTICLE 175

The free diffusion of information and views, in accordance with Islamic criteria, must be assured in the mass media (radio and television). The media are to be administered under the joint supervision of the three powers--the judiciary (Supreme Judicial Council), the legislative, and the executive--in a manner to be determined by law.

The Constitution of the Islamic Republic of Iran, drawn up in twelve chapters containing one hundred seventy-five articles and approved by a two-thirds majority of all members of the Assembly convened to subject the Constitution to definitive review, was definitively approved on the twenty-fourth day of Aban in the year 1358 of the solar Islamic calendar, corresponding to the twenty-fourth day of Dhihijja in the year 1399 of the lunar Islamic Calendar [November 15, 1979].

APPENDIX C

THE IRAQI CONSTITUTION

THE INTERIM CONSTITUTION¹

PART ONE

THE REPUBLIC OF IRAQ

ARTICLE 1

Iraq is a Sovereign People's Democratic Republic: its principal aim is to achieve the United Arab State and establish the Socialist System.

ARTICLE 2

The People is the source of authority and its legitimacy.

ARTICLE 3

- (a) Sovereignty of Iraq is an indivisible unit.
- (b) The land of Iraq is an indivisible unit and no part of it shall be relinquished.

ARTICLE 4

Islam is the religion of the State.

ARTICLE 5

- (a) Iraq is part of the Arba Nation.
- (b) The People of Iraq is formed of two principal nationalities, the Arab nationality and the Kurdish nationality. This Constitution shall recognize the national rights of the Kurdish People and the legitimate rights of all minorities within the unity of Iraq.

ARTICLE 6

The Iraqi nationality and its rulings shall be determined by the law.

¹Including the amendments of 1973 and 1974 (Official translation). Minor alterations in style and usage, in this and other appendices, have been made.

ARTICLE 7

- (a) Arabic is the official language.
- (b) The Kurdish language, in addition to the Arabic language, shall be the official language in the Kurdish Region.

ARTICLE 8

- (a) Baghdad is the Capital of the Republic of Iraq, and it may be shifted by a law.
- (b) The Republic of Iraq shall be divided into administrative units which shall be organized on the basis of decentralization.
- (c) The area whose majority of population is from Kurds shall enjoy autonomy in accordance with what is defined by the law.

ARTICLE 9

The Flag and the Emblem of the Republic of Iraq and the rules pertaining to them shall be specified by a law.

PART TWO

SOCIAL AND ECONOMIC BASES OF THE REPUBLIC OF IRAQ

ARTICLE 10

Social solidarity is the foremost foundation for society. Its implication is that every citizen shall perform fully his duty towards society and that society shall ensure to the citizen his full rights and freedoms.

ARTICLE 11

The family is the nucleus of society. The State shall guarantee its protection and support, and shall foster maternity and childhood.

ARTICLE 12

The State shall undertake planning, directing and guiding the national economy in accordance with the following aims:

- (a) Establishing the socialist system on scientific and revolutionary principles.
- (b) Achieving Arab economic unity.

ARTICLE 13

National resources and fundamental instruments of production are the property of the People, and the central authority

of the Republic of Iraq shall employ them directly in accordance with the requirements of the general planning of the national economy.

ARTICLE 14

The State shall ensure, promote and support all kinds of cooperation in production, distribution and consumption.

ARTICLE 15

Public properties and the properties of the public sector shall have special inviolability, which the State and all citizens have to maintain and guarantee their security and protection. Any subversion or attack on the structure of society and a violence to it.

ARTICLE 16

(a) Ownership is a social function which shall be exercised within the limits of society's aims and the State's programmes in accordance with the provisions of the law.

(b) Private ownership and individual economic freedom shall be guaranteed within the limits of the law provided that individual ownership will not contradict or be detrimental to general economic planning.

(c) Private property shall not be expropriated except for the public interest and in accordance with just compensation in accordance with the provisions of the law.

(d) The maximum agricultural ownership shall be defined by the law and the excess shall be regarded as the property of the People.

ARTICLE 17

Inheritance is a recognized right regulated by a law.

ARTICLE 18

Real estate ownership is forbidden to non-Iraqis except in cases specified by a law.

PART THREE

BASIC RIGHTS AND DUTIES

ARTICLE 19

(a) All citizens are equal before the law, without distinction on the basis of race, origin, language, class or religion.

(b) Equal opportunities for all citizens shall be guaranteed within the limits of the law.

ARTICLE 20

(a) The accused is innocent until he is declared guilty by judicial procedure.

(b) The right to defense is sacred in all processes of investigation and trial in accordance with the provisions of the law.

(c) All trials shall be open to the public unless declared in camera.

ARTICLE 21

(a) Penalty is personal.

(b) There shall be no offense or penalty except as defined by a law. No penalty shall be imposed except on an act deemed by the law as an offense at the time of its commission. No more severe penalty than the penalty enforced at the time of committing the offense shall be applied.

ARTICLE 22

(a) The dignity of Man is guaranteed. Any kind of physical or psychological torture shall be prohibited.

(b) No one may be arrested, detained, imprisoned or searched except in accordance with the provisions of the law.

(c) Homes are inviolable. They may not be entered or searched except as specified by the law.

ARTICLE 23

Privacy of mail, telegraphic and telephone correspondence shall be guaranteed, and it shall not be violated except for reasons of public security in accordance with the limits and the rules provided by the law.

ARTICLE 24

No citizen shall be prevented from travel outside the country or from returning thereto and no restriction shall be imposed on his moving and residence inside the country except in the cases defined by the law.

ARTICLE 25

Freedom of religion, beliefs and exercise of religious ceremonies shall be guaranteed, provided that this freedom shall neither contradict the provisions of the Constitution and the law nor violate morality and public order.

ARTICLE 26

The Constitution shall guarantee freedom of opinion, publication, meeting, demonstration, forming of political parties, unions and societies in accordance with the aims of the Constitution and within the limits of the law. The State shall endeavor to provide the means required for exercising these freedoms, which run in line with the nationalist and progressive line of the Revolution.

ARTICLE 27

(a) The State shall undertake to eliminate illiteracy and ensure the right of free-of-charge education in various elementary, secondary and university levels to all citizens.

(b) The State shall endeavor to make elementary education compulsory, expand vocational and technical education in all towns and villages and particularly promote evening education which enables the popular masses to correlate knowledge between science and labor.

(c) The State shall guarantee freedom of scientific research, promote and reward distinction and creativity in all intellectual, scientific and technical activities and all kinds of popular genius.

ARTICLE 28

Education shall aim at raising and developing the general cultural level, developing the scientific thinking, encouraging the spirit of research, fulfilling the requirements of economic and social development programmes, creating a free nationalist and progressive generation solid in structure and character, which takes pride in its people, its homeland and its legacy, sympathizes with the rights of all its nationalities and opposes the doctrines of capitalism, exploitation, reaction, Zionism and colonialism in order to achieve Arab unity, freedom and socialism.

ARTICLE 29

The State shall endeavor to provide the means of enjoying the achievements of modern civilization for the masses of the people and generalize the progressive outputs of modern civilization to all citizens.

ARTICLE 30

(a) Public office is a sacred trust and a social service, whose principal attribute is a loyal obligation to protect the interests of the masses, their rights and freedoms in accordance with the provisions of the Constitution and the law.

(b) Equality of employment in public office shall be guaranteed by the law.

ARTICLE 31

(a) Defense of the homeland is a sacred duty and an honor bestowed to the citizen. Service to the Flag is compulsory and the law shall organize the manner of its performance.

(b) The Armed Forces are the property of the people, and they are the People's tool for preserving its security, defending its independence, protecting the people's and the homeland's safety and unity and achieving its national and patriotic aims and aspirations.

(c) The State alone shall undertake to establish Armed Forces, and no body or group shall be entitled to establish military or para-military formations.

ARTICLE 32

(a) Work is a right which the State shall undertake to provide to every citizen capable of it.

(b) Work is an honor and a sacred duty imposed on every capable citizen. It is required by the necessity of participation in building society and its protection, development and prosperity.

(c) The State shall undertake to improve conditions of work and promote standards of living, expertise and culture for all working citizens.

(d) The State shall undertake to provide wider social insurances for all citizens in case of sickness, disability, unemployment and old age.

(e) The State shall endeavor to organize the programme and ensure the necessary means which enable working citizens to spend their leaves in an atmosphere that helps them to improve their health standards and develop their cultural and technical gifts.

ARTICLE 33

The State shall undertake to protect public health through continuous expansion of free-of-charge medical services, whether by prevention, treatment or medicine, in all cities, towns and villages.

ARTICLE 34

(a) The Republic of Iraq shall grant political asylum to all persons persecuted in their countries because of their struggle in the defense of human liberation principles, which the Iraqi People has accepted under this Constitution.

(b) Political refugees shall not be delivered.

ARTICLE 35

Payment of taxes is a duty imposed on all citizens. Taxes may not be imposed, amended or levied except by a law.

ARTICLE 36

Any activity which contradicts the aims of the people defined in this Constitution and any act of conduct aiming at undermining the national unity of the masses of the people, provoking racial or sectarian or regional bigotry among their ranks, or violating their progressive gains and achievements, shall be prohibited.

PART FOUR

THE INSTITUTIONS OF THE REPUBLIC OF IRAQ

CHAPTER ONE

THE REVOLUTIONARY COMMAND COUNCIL

ARTICLE 37

The Revolutionary Command Council is the supreme body in the State, which has undertaken since the 17th of July, 1968, the responsibility of achieving the people's public will by stripping power from the reactionary, dictatorial, corrupt system and restoring it to the people.

ARTICLE 38

The Revolutionary Command Council shall exercise, by a majority of two thirds of its members, the following powers:

- (a) Elect the Chairman from among its members who shall be designated as the Chairman of the Revolutionary Command Council and President of the Republic.
- (b) Elect the Vice Chairman from among its members who shall be designated as Vice Chairman of the Revolutionary Command Council and take the place of the Chairman in case of his official absence or his exercise of his constitutional powers becomes difficult or impossible for any legal reason.
- (c) Select new members to the Council from among the Regional Command of the Arab Ba'th Socialist Party, provided that its members shall not exceed twelve.
- (d) Accept the resignation of the Chairman or the Vice Chairman or any of the Council's members.
- (e) Release any of its members from membership of the Council.

(f) Charge and send to trial any members of the Revolutionary Command Council, or any deputy of the President of the Republic or any Ministers.

ARTICLE 39

The Chairman, the Vice Chairman and the Members of the Revolutionary Command Council shall take the following oath before the Council:

I swear by Almighty God, by my honour and belief to preserve the Republican Regime and abide by its Constitution and laws, protect the people's interests, safeguard the homeland's independence and safety and integrity of its lands and endeavor with full sacrifice and loyalty to fulfill the Arab Nation's aims of unity, freedom and socialism.

ARTICLE 40

The Chairman, the Vice Chairman and the Members of the Revolutionary Command Council shall enjoy full immunity and no measure may be taken against anyone of them except by prior permission from the Council.

ARTICLE 41

(a) The Revolutionary Command Council shall convene at the invitation of its Chairman or Vice Chairman or one third of its members. Its sessions shall be convened under the presidency of the Chairman or the Vice Chairman and the presence of the majority of its members.

(b) Meetings and discussions of the Revolutionary Command Council are in camera; their disclosure shall be subject to constitutional inquiry before the Council. Announcement, publication and notification of the decisions of the Council shall be performed by the manners provided in this Constitution.

(c) Laws and resolutions shall be approved in the Council by the majority of its members, except in the cases otherwise provided in this Constitution.

ARTICLE 42

The Revolutionary Command Council shall exercise the following powers:

(a) Promulgate laws and decrees which have the power of the law.

(b) Issue decrees required by the necessities of applying the provisions of the enforced laws.

ARTICLE 43

The Revolutionary Command Council shall exercise, by the majority of its members, the following powers:

- (a) Approve recommendations of the Ministry of Defense and public security, initiate laws and adopt resolutions concerning them in respect to organization and jurisdictions.
- (b) Declare general mobilization partially or fully, declare war, accept armistice and conclude peace.
- (c) Approve the draft of the general budget of the State and the independent and investment budgets annexed thereto and the credit of the final accounts.
- (d) Ratify international treaties and agreements.
- (e) Provide the internal regulations of the Council, define its cadre, approve its budget, appoint its officials and specify remunerations and allowances of the Chairman, the Vice Chairman, the members and the officials.
- (f) Lay down the rules for the trial of its members and setting up the court and the procedures which must be followed.
- (g) Authorize its Chairman or the Vice Chairman to exercise some of its powers provided in this Constitution except legislative powers.

ARTICLE 44

The Chairman of the Revolutionary Command Council shall undertake the following:

- (a) Preside over the meetings of the Council, represent it, conduct its sessions and order expenditure therein.
- (b) Sign all laws and resolutions promulgated by the Council and their publication in the Official Gazette.
- (c) Supervise the works of the Ministers and Institutions of the State, call the Ministers for conferring on the affairs of their Ministries, interrogate them when necessary and inform the Revolutionary Command Council thereof.

ARTICLE 45

Each of the Chairman, the Vice Chairman and Members of the Revolutionary Command Council shall be responsible before the Council for violating the Constitution, for violating the obligations of the Constitutional oath or for any act or conduct which the Council deems as detrimental to the honor of responsibility which he exercises.

ARTICLE 46

A Higher Financial Comptrolling Authority shall be established and attached to the Revolutionary Command Council. Its head and the rules of its functions shall be regulated by a law.

CHAPTER TWO

THE NATIONAL ASSEMBLY

ARTICLE 47

The National Assembly shall consist of the representatives of the people in all its political, economic and social sectors. Its formation, manner of membership, process of work in it and its powers shall be defined by a special law, namely, the National Assembly Law.

ARTICLE 48

The National Assembly must meet in two ordinary sessions each year. The Chairman of the Revolutionary Command Council is entitled to call the Assembly for an extra-ordinary meeting whenever required, and the meeting shall be confined to the subjects for which it is called. Sessions of the National Assembly shall be convened and concluded by a resolution issued by the Revolutionary Command Council.

ARTICLE 49

Sessions of the Assembly shall be conducted publicly unless it is decided to convene some of them in camera in accordance with the provisions of its law.

ARTICLE 50

(a) Members of the National Assembly may not be questioned over the opinions and suggestions they introduce during their exercise of the tasks of their posts.

(b) None of the members of the Assembly may be pursued or arrested for an offense committed during the meetings without obtaining the Assembly's permission, except in case of being held in the act of crime.

ARTICLE 51

The National Assembly shall undertake to:

(a) Lay down its internal regulations, specify its cadre, approve its budget and appoint its personnel. Remunerations and allowances of its President and Members shall be defined by a law.

(b) Provide the rules for charging and trying its members in case of their committing one of the acts provided in Article 56 of this Constitution.

ARTICLE 52

The National Assembly shall consider the draft laws proposed by the Revolutionary Command Council within a period of fifteen days from the date of their arrival to the bureau of the National Assembly's Presidency. If the Assembly approves the draft, it shall be submitted to the President of the Republic, to promulgate it. But if the National Assembly rejected or amended it, it shall be returned to the Revolutionary Command Council. If the amendment were approved by the Revolutionary Command Council, it shall be submitted to the President to promulgate it. But if the Revolutionary Command Council insists on its opinion in the second reading, the draft shall be returned to the National Assembly to be presented in a joint sitting of the Council and the Assembly. The decision issued by the majority of two thirds shall be considered as final.

ARTICLE 53

The National Assembly shall consider, within a period of fifteen days, the draft Laws forwarded to it by the President of the Republic. If the Assembly rejects the draft, it shall be returned to the President of the Republic with the statement of the reasons of rejection. But if the Assembly accepts the draft, then it shall be submitted to the Revolutionary Command Council and if it approves the draft, then it shall be liable for promulgation. But if the National Assembly amends the draft, then it shall be submitted to the Revolutionary Command Council, and if it approves the draft, it shall be liable for promulgation. But if the Revolutionary Command Council rejects the amendment or makes another amendment, it shall be returned again to the National Assembly within one week. If the National Assembly adopts the opinion of the Revolutionary Command Council, the draft shall be submitted to the President of the Republic for promulgation. But if the National Assembly insists, in the second reading, on its opinion, then a joint sitting of the Council and the Assembly shall be held, and the draft adopted by the majority of two thirds shall be considered as final, and it shall be submitted to the President of the Republic for promulgation.

ARTICLE 54

The National Assembly shall consider draft laws presented by one quarter of its members in affairs other than military matters and public security affairs.

If the Assembly approves the draft law, it shall be submitted to the Revolutionary Command Council to consider it within fifteen days from the date of its arrival to the Council's Bureau.

If it is approved by the Revolutionary Command Council, it shall be submitted to the President of the Republic for promulgation.

But if the Revolutionary Command Council rejects or amends it, the draft shall be returned to the National Assembly. If the latter insists on its opinion, in the second reading, a joint session of the Council and the Assembly shall be convened under the presidency of the Chairman of the Revolutionary Command Council or his Deputy. The draft issued by the majority of two thirds shall be considered as final and shall be submitted to the President of the Republic for promulgation.

ARTICLE 55

(a) Deputies of the President of the Republic and the Ministers and those who are in ranks similar to them shall be entitled to attend the meetings of the National Assembly and participate in discussions.

(b) The National Assembly may, after the approval of the President of the Republic, call the Ministers in order to make an enquiry or explanation.

ARTICLE 56

The President of the National Assembly and every member in it are held responsible before the Assembly for violating the Constitution, perjurying the obligations of the Constitutional oath or for any act or conduct the National Assembly deems as detrimental to the honor of responsibility he exercises.

CHAPTER THREE

PRESIDENT OF THE REPUBLIC

ARTICLE 57

(a) The President of the Republic is the President of the State and the Commander-in-Chief of the Armed Forces. He shall undertake the executive power directly or through the Council of Ministers.

(b) The President of the Republic shall promulgate the necessary ordinances for exercising his powers as prescribed in this Constitution.

ARTICLE 58

The President of the Republic shall directly exercise the following powers:

(a) Preserve the independence of the country and integrity of its lands, protect its interior and exterior security and protect the rights and freedom of citizens.

(b) Supervise the application of the Constitution, laws, resolutions, judicial decisions and development projects in all parts of the Republic of Iraq.

- (c) Appoint Deputies for the President of the Republic and release them from their posts.
- (d) Appoint the Ministers and release them from their posts.
- (e) Appoint civil and religious judges and civil and military officials of the State, and terminate their services in accordance with the law.
- (f) Appoint and accredit Iraqi diplomatic representatives in the Arab and foreign countries, and in international conferences and organizations.
- (g) Grant military ranks and medals in accordance with the law.
- (h) Hold negotiations and conclude international agreements and treaties.
- (i) Accept diplomatic and international representatives and demand their withdrawal.
- (j) Approve capital punishments and issue special amnesty.
- (k) Direct the control of the work of the Ministries and general institutions and coordinate them.

ARTICLE 59

Deputies of the President of the Republic and the Ministers shall be held responsible before the President of the Republic for their works, and he is entitled to refer any one of them to trial, in accordance with the provisions of the Constitution, for functional errors committed, for taking advantage of, or abusive use of, his powers.

CHAPTER FOUR

THE COUNCIL OF MINISTERS

ARTICLE 60

- (a) The Council of Ministers shall consist of the Ministers and be presided over by the President of the Republic.
- (b) The President of the Republic shall call the Council of Ministers to meet and conduct its meetings.

ARTICLE 61

The Council of Ministers shall exercise the following powers:

- (a) Initiate draft laws and refer them to the proper legislative authority.
- (b) Issue administrative regulations and decisions in accordance with the law.

- (c) Appoint civil officials of the State and promote them, in accordance with the law.
- (d) Submit the general plan of the State.
- (e) Submit the general budget of the State and the budgets annexed to it.
- (f) Conclude and grant loans, and supervise organizing and administering currency.
- (g) Declare a full or partial emergency and terminate it in accordance with the law.
- (h) Supervise general utilities and official and semi-official institutions.

CHAPTER FIVE

THE JUDICIARY

ARTICLE 62

- (a) The Judiciary is independent and no power shall be exercised over it except the law.
- (b) The right to litigation shall be guaranteed to all citizens.
- (c) The law shall define the manner of courts formation, their grades, jurisdictions, stipulations for appointing civil and religious judges, transferring and promoting them, litigating and retiring them.

ARTICLE 63

The law shall define the posts of the Public Prosecution, its stipulations for appointing Public Prosecutors and their deputies and the rules for transferring and promoting them, litigating and retiring them.

PART FIVE

GENERAL PROVISIONS

ARTICLE 64

- (a) No one shall be member of the Revolutionary Command Council and no one shall be deputy to the President of the Republic or Minister except whoever is Iraqi by birth and from Iraqi parents by birth also.
- (b) Members of the Revolutionary Command Council, deputies to the President of the Republic and the Ministers shall not exercise a free profession or a commercial business, or purchase from the state properties, sell to the State some of their properties, or barter for them while holding their posts.

ARTICLE 65

(a) The provisions of this Constitution shall remain in force until the Permanent Constitution is promulgated.

(b) This Constitution shall not be amended except by the Revolutionary Command Council by a majority of two thirds of its members.

ARTICLE 66

(a) Laws shall be published in the Official Gazette and shall come into force from the date of their publication except otherwise provided therein.

(b) Laws shall have no retroactive effect except if otherwise provided therein and this exclusion shall not include Criminal Laws and laws of taxes and financial dues.

ARTICLE 67

This Interim Constitution, the laws and judicial decisions shall be promulgated and executed in the name of the people.

ARTICLE 68

All laws and resolutions of the Revolutionary Command Council enforced prior to the promulgation of this Constitution shall remain in force and they may not be amended or abrogated except through the manner provided in this Constitution.

ARTICLE 69

The Chairman of the Revolutionary Command Council shall undertake the promulgation of this Constitution and its publication in the Official Gazette.

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